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CHARTER

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AND

ORDINANCES

OF THE

City of Ann Arbor,

MICHIGAN.

Printed by Authority of the Common Council.

ANN ARBOR:
COURIER BOOK AND JOB PRINTING HOUSE.
1882.

MAYORS OF CITY.

GEORGE SEDGWICK, .	from	April,	1851,	to	April,	1853.
EDWIN R. TREMAIN, .	"	"	1853,	"	"	1855.
JAMES KINGSLEY, .	"	"	1855,	"	"	1856.
WILLIAM S. MAYNARD,	"	"	1856,	"	"	1858.
PHILIP BACH, . .	"	"	1858,	"	"	1859.
ROBERT J. BARRY, .	"	"	1859,	"	"	1861.
JOHN F. MILLER, . .	"	"	1861,	"	"	1862.
CHARLES SPOOR, . .	"	"	1862,	"	"	1863.
EBENEZER WELLS, .	"	"	1863,	"	"	1865.
WILLIAM S. MAYNARD,	"	"	1865,	"	"	1866.
OLIVER M. MARTIN, "	"	"	1866,	"	"	1868.
CHRISTIAN EBERBACH,	"	"	1868,	"	"	1869.
ALFRED H. PARTRIDGE,	"	"	1869,	"	"	1870.
WILLIAM D. HARRIMAN,	"	"	1870,	"	"	1871.
SILAS H. DOUGLAS, .	"	"	1871,	"	"	1873.
HIRAM J. BEAKES, .	"	"	1873,	"	"	1875.
EDWARD D. KINNE, .	"	"	1875,	"	"	1877.
DENSMORE CRAMER, .	"	"	1877,	"	"	1878.
WILLARD B. SMITH, .	"	"	1878,	"	"	1880.
JOHN KAPP, . .	"	"	1880,	"	"	——.

CITY OFFICERS.

MAYOR.

JOHN KAPP.

RECORDER.

MYRON H. FRENCH.

ALDERMEN.

First Ward.

GOTTLOB LUICK, JOHN S. HENDERSON.

Second Ward.

ANSON D. BESIMER, JOHN HEINZMANN.

Third Ward.

JOHN B. DOW, CHARLES E. HISCOCK.

Fourth Ward.

THOMAS J. KEECH, JOHN M. SWIFT.

Fifth Ward.

ARCHIBALD WRIGHT, NORMAN D. GATES.

Sixth Ward.

JAMES E. SUMNER, WILLIAM K. CHILDS.

TREASURER.

JACOB F. SCHUH.

CITY ATTORNEY.

JOHN F. LAWRENCE.

MARSHAL.

JOHN S. NOWLAND.

DEPUTY MARSHALS.

A. WILLIAM PORTER, CHRISTOPHER G. MILLMAN.

SUPERVISORS.

First and Second Wards—CONRAD KRAPF.
Third and Fourth Wards—PATRICK O'HEARN.
Fifth and Sixth Wards—BENJAMIN BROWN.

JUSTICES.

EDWARD CLARK, EUGENE K. FREUAUFF,
PHILIP WINEGAR, MICHAEL H. BRENNAN.

CONSTABLES.

JOHN G. JOHNSON, MICHAEL CLARK,
GEORGE B. SCHWAB, ELI S. MANLY,
JASPER IMUS, EDWIN B. GIDLEY.

BOARD OF HEALTH.

WILLIAM F. BREAKEY, M. D.,
CONRAD GEORG, M. D., EDWIN B. GIDLEY.

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This volume of the Charter and Ordinances of the City of Ann Arbor is compiled, printed, and published pursuant to the following resolution of the Common Council, adopted May 1, 1882:

"*Resolved*, That the City Attorney is hereby authorized and directed to revise and compile the Ordinances of the City, and have the same published with the Charter, and all amendments thereto, in a bound volume, and two hundred copies published."

August, 1882.

CHARTER

OF THE

CITY OF ANN ARBOR.

[Act 402, Session Laws of 1867.]

AN ACT to revise and amend an act to incorporate the city of Ann Arbor, approved April fourth, eighteen hundred and fifty-one, and an act amendatory thereto, approved February twelfth, eighteen hundred and fifty-nine; and also an act amendatory thereto, approved February twenty-fifth, eighteen hundred and sixty-one.

TITLE I.

INCORPORATION, CITY AND WARD BOUNDARIES.

SECTION 1. *The People of the State of Michigan enact*, That so much of the township of Ann Arbor, in the county of Washtenaw, as is included in the following limits (including the present city of Ann Arbor), to wit: The south three-fourths of section number twenty, the south three-fourths of the west three-fourths of section number twenty-one, the west three-fourths of section number twenty-eight, entire section number twenty-nine, the north half of section number thirty-two, and the west three-fourths of the north half of section number thirty-three, in township two south, of range six east; and also so much of the east half of the south-east quarter of section number twenty-one, and the east half of the north-east quarter of section number twenty-eight, as lies west of the easterly bank of the Huron river, and north of the south line of the territorial road, crossing said river on or near the line between said sections, be and the same is hereby set off from

said township, and declared to be a city, by the name of the city of Ann Arbor; and the freemen of said city, from time to time being inhabitants thereof, shall be and continue to be a body corporate and politic, by the name of the "Mayor, Recorder and Aldermen of the city of Ann Arbor;" and by that name they shall be known in law, and shall be capable of suing and being sued, and of prosecuting and defending all suits; they may have a common seal, which they may alter at pleasure, and shall be capable of purchasing, holding, conveying and disposing of real and personal estate for the use of said corporation.

SEC. 2. The said city shall be divided into six wards, as follows: The first ward shall embrace all that portion of the city lying south of Huron street, east of Main street, and the Ann Arbor and Lodi plank road, and west of State street and the Pittsfield road, or State street as continued; the second ward shall embrace all that portion of the city lying south of Huron street and west of Main street and the Ann Arbor and Lodi plank road; the third ward shall embrace all that portion of the city lying north of Huron street and south of the river Huron, and west of Fourth street extended to the river Huron; the fourth ward shall embrace all that portion of the city lying north of Huron street, and of the line of Huron street as extended to the city limits, and south of the river Huron, and east of Fourth street; the fifth ward shall embrace all that portion of the city lying northeast of Huron river; the sixth ward shall embrace all that portion of the city lying south of Huron street and the line of Huron street, as extended east of the city limits, and east of State street and the Pittsfield road, or State street as extended: *Provided*, That the common council may at any time alter the bounds of said wards, or any of them. The aforesaid division is made by the actual or supposed continuation of the center line of each of said streets, in the present direction thereof, to the limits of said city.

TITLE II.

ELECTION AND APPOINTMENT OF OFFICERS.

SECTION 1. The officers of said city shall be one mayor; one recorder; one marshal; one city attorney; one city treasurer; three supervisors—one for the first and second wards, one for the third and fourth wards, and one for the fifth and sixth wards, who shall be assessors in their respective districts; three street commissioners,—one in each supervisor district; and six constables, one in each ward; —all of which officers shall hold their offices for one year, and until their successors are elected or appointed and qualified; also, two aldermen in each ward, who shall respectively hold their offices for two years and until their successors are elected and qualified; and four justices of the peace, who shall respectively hold their offices four years, their several terms to commence, except in cases of vacancies, on the fourth day of July next after their election.*

SEC. 2. The inhabitants of said city, having the qualifications of electors under the constitution and laws of this State shall, on the first Monday of April in each year, at such place in each ward as the common council shall designate, proceed to elect by plurality of votes, by ballot, from among the qualified electors of said city, one mayor, one recorder, and one justice of the peace, for said city; and the qualified electors of the first and second wards shall elect one supervisor; the qualified electors of the third and fourth wards shall elect one supervisor; and the qualified electors of the fifth and sixth wards shall elect one supervisor; the qualified electors of each ward shall, at the same time and place, elect one alderman and one constable: *Provided*, That in each ward in which there shall, at the time of such election, be no alderman having another year to serve, there shall be two aldermen elected, one for the

* As amended by Act No. 217, S. L. 1873, page 121.

term of one year and one for the term of two years; and one alderman shall thereafter be elected annually in each ward, to hold his office for the term of two years and until his successor is elected and qualified.†

SEC. 3. At all elections the two aldermen in each ward shall be the inspectors of election, in case they shall attend, and a clerk shall be appointed by the aldermen or inspectors of election, at all elections in each ward. In case the office of the aldermen shall be vacated in said ward, or in case the aldermen, or either of them, shall fail to attend to act as inspectors, the electors present may, *viva voce*, choose one or more inspectors of election to fill the vacancy, and such judges and clerks so chosen, before proceeding to the discharge of their duties, shall make an subscribe an oath or affirmation, faithfully and impartially to discharge the duties of their respective offices at such election, which oath or affirmation may be administered by any person authorized to administer oaths. At the close of the polls, the vote shall be canvassed, and a statement thereof proclaimed by one of the inspectors, and a correct statement of the number of votes given for each person shall be made by the clerk, and signed officially by the inspectors and clerk aforesaid, and filed with the recorder. It shall be the duty of the common council to meet as soon as conveniently may be after such election, to canvass the votes cast in the respective wards, and to declare and certify the result of such canvass.

SEC. 4. It shall be the duty of the recorder, or in case of his neglect to do so, then of the mayor, to cause five days' notice of every election to be given, by posting up written or printed notices thereof in three or more public places in each ward of said city: *Provided*, That if notice of any election shall not be given as herein required, it shall be lawful for the electors to meet at the proper time and place, and hold the election, and in case of the non-

† As amended by Act No. 217, S. L. 1873, page 121.

attendance or neglect of the proper officers to act, the electors present may, *viva voce*, choose electors to act in their places: *And provided, also*, That if any election of officers under this act shall not be had on the day when it ought to have been held, the said corporation shall not for that cause be dissolved, but it shall be lawful to hold such election at any time thereafter, public notice thereof being given as provided in this act. At all elections the polls shall be open between the hours of nine and eleven o'clock in the forenoon, and be closed at four in the afternoon. Whenever in any ward or wards in said city there shall not be two aldermen to constitute the board of registration of such ward previous to any election, the common council shall, in time, appoint suitable freeholders, resident in such wards, and electors, temporary aldermen of such wards, who shall take the oath of office, and have all the powers of aldermen in such wards, and shall hold their offices until the close of the election and of the canvass of the votes in such wards, at the next election after such appointment, and shall, during their continuance in office, act as and be members of the board of registration of such wards, and have all the powers and perform all the duties of members of the board of registration in such wards.

SEC. 5. The inhabitants of the said city, being electors under the constitution and laws of the State of Michigan, and no others, are declared to be electors under this act, and qualified to vote at any such election; and each person offering to vote at any such election, if challenged by an elector of said city, before his vote shall be received shall take one of the oaths or affirmations provided by the laws of this State for electors at general and special elections, for the time being, which oath or affirmation may be administered to him by either of the inspectors of election. Upon taking such oath or affirmation, if duly registered in said ward, he shall forthwith be permitted to vote. In all other respects not herein provided, said election shall be

conducted as near as may be in accordance with the general statute provided for township elections.

SEC. 6. It shall be the duty of the recorder, as soon as practicable, and within five days after any election, to notify the officers respectively of their election, who shall, within ten days after receiving such notice, take an oath or affirmation to support the constitution of the State of Michigan, and faithfully and impartially to perform the duties of their respective offices, a certificate of which oath, made by the person administering the same, shall be filed in the office of the recorder.

SEC. 7. The officers of said city to be appointed by the common council, shall be a marshal, treasurer, attorney, director of the poor, a chief engineer of the fire department and two assistants, a street commissioner for each supervisor district, and such other officers whose election is not herein specially provided for, as the common council shall deem necessary to carry into effect the powers grated by this act, and to remove the same at pleasure: *Provided*, That no person holding the office of alderman shall be appointed to the office of street commissioner. The common council shall also have power to remove the marshal at pleasure; and in case any office in said corporation shall become vacant from any cause, the common council shall, as soon as may be, appoint an officer to fill such vacancy for the unexpired portion of the year; and all officers so appointed shall be notified and qualified as herein directed.*

SEC. 8. Every office shall become vacant on the happening of either of the following events before the expiration of the term of such office: The death of the incumbent; his resignation; his removal from office; his ceasing to be an inhabitant of the district or ward for which he shall have been elected or appointed, or within which the duties of his office are required to be discharged; his con-

* As amended by Act No. 307, S. L. 1877, page 285.

viction of any infamous crime, or of any offense involving the violation of his oath of office; the decision of a competent tribunal declaring void his election or appointment, or his refusal or neglect to take his oath of office, or to give or renew any official bond, or to deposit such oath or bond in the manner and within the time prescribed by law: *Provided*, That in case any vacancy shall occur in the office of any collector or justice of the peace in said city by the operation of this act, the recorder shall immediately transmit to the county clerk of said county a notice in writing, officially signed by him, informing the county clerk that the office of such collector or justice of the peace is vacant.

TITLE III.

OF THE POWERS AND DUTIES OF OFFICERS.

SECTION 1. The mayor shall be the chief executive officer of the city, and shall also be president of the common council, and shall countersign all orders drawn upon the city treasurer, and see that all the officers of said city faithfully comply with and discharge their official duties; that all laws pertaining to the municipal government of said city, and all ordinances and resolutions of the common council, are faithfully observed. He shall have the same power as conservator of the peace within the limits of the city as any justice of the peace has, or may by law have; and to this end it shall be lawful for him, when any person shall in his presence be guilty of a breach of the peace, or a violation of any of the ordinances of the common council punishable by fine or imprisonment, to direct the marshal, or other officer, forthwith to apprehend such offender or offenders, and take him or them before a justice of the peace for said city, who shall, without unreasonable delay, proceed to the examination and trial of the party arrested. He shall also have power, and it shall be his

duty, to preserve order and decorum in the council room during the session of the common council, and for this purpose may order any disorderly person to be arrested for disorderly or contemptuous conduct in his presence, and imprisoned for a period not exceeding twenty-four hours.

SEC. 2. The recorder shall be the city clerk, and shall perform all the duties and have all the statutory powers of a township or city clerk, in respect to the filing and custody of all papers required to be filed, and the performance of all other statutory duties. He shall keep a record of the proceedings of the common council, and a record of all claims allowed by them. He shall also draw all orders on the treasurer for claims and accounts allowed by the common council, and, if required, keep an account, as near as may be, to which fund the same belongs.

SEC. 3. It shall be the duty of every alderman in said city to attend the regular and special meetings of the common council; to act upon committees when thereto appointed by the mayor or common council; to order the arrest of all persons violating the laws of this State, or the ordinances, by-laws, or police regulations of said city; to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty; to maintain peace and good order, and to perform all other duties required of them by this act. The aldermen of said city, by virtue of their offices, shall be conservators of the public peace, and as such shall have and exercise all the power and authority of justices of the peace, as such conservators, in criminal cases, and enforcing the laws of this State relating to the police thereof, but shall have no jurisdiction in civil cases.

SEC. 4. The marshal of said city shall be the chief of police, see that all the by-laws and ordinances of the common council are properly and efficiently enforced, and especially those which may be passed to carry into effect those parts of this act relating to police and sanitary regu-

lations. He shall obey all the lawful orders of the mayor, and may command the aid and assistance of all constables, and all other persons, in the discharge of the duties imposed upon him by law. He may appoint such number of deputies as the common council shall direct and approve, who shall have the same powers and perform the same duties as the marshal, and for whose official acts he shall be in all respects responsible; and the marshal and his deputies shall have the same power to serve and execute all process on behalf of the corporation of said city, or of the people of the State, as sheriffs or constables have by law to execute similar process.

SEC. 5. The city attorney, under the direction of the common council, shall have charge of and conduct of all the law business of the corporation, and in which it shall be interested, except otherwise ordered by the common council in special cases, and shall also advise the common council, boards of the city, and their officers and committees, upon all matters appertaining to the business of said city, and the enaction of its laws and ordinances, when submitted to him for his opinion.

SEC. 6. The city treasurer shall have the custody of the money and valuable papers and obligations belonging to the corporation, and shall keep a just and true account of all moneys received and disbursed by him, and no money shall be paid out except upon the order of the common council, and upon warrants drawn by the mayor and recorder, and for school purposes, upon proper authority. The treasurer shall also have such powers and perform such duties, in relation to the collection of taxes, as are prescribed for township treasurers by statute, and shall also perform such other duties in respect to the collection of city taxes as shall be provided by the common council. He shall once in each year, and oftener if required, settle with the common council, and shall pay over all moneys in his hands upon the order of the common council, and

shall deliver all obligations and valuable papers in his possession to his successor in office, when required.*

SEC. 7. The supervisors in said city shall have the same powers, and exercise the same duties, in relation to the assessment and collection of taxes, in their respective districts, and as members of the board of supervisors of the county of Washtenaw, as are possessed and performed by supervisors of the townships in said county, and shall perform such other duties as are provided by law, not inconsistent with the provisions of this charter.

SEC. 8. †

SEC. 9. The street commissioners shall, when required, under the direction of the common council, superintend the making, paving, repairing and opening of all streets, lanes, alleys and sidewalks within the limits of their respective districts, and shall possess, in addition to the powers and duties specifically enumerated by this charter, the powers exercised by overseers of highways in townships by statute, so far as consistent with this charter.

SEC. 10. Justices of the peace shall have such jurisdiction to hear, try and determine civil and criminal cases as is given by statute, and shall also have jurisdiction of all cases arising under the charter or ordinances of said city.

SEC. 11. The marshal, recorder, city treasurer, collector, and street commissioners shall respectively give bonds to the city in such sums and with such sufficient sureties, conditioned for the faithful performance of their respective duties, as shall be ordered and approved by the common council: *Provided*, That any officer performing the duties required by township officers, in regard to the collection of taxes, shall give and file their bonds in such amounts and in such time as is required by the corresponding township officers; and the several officers above named shall per-

* As amended by Act No. 217, S. L. 1873, page 122.

† Repealed by Act No 217, S. L. 1873.

form all other duties and exercise such powers as may be defined by this charter, and the ordinances of the common council passed in conformity to it.*

SEC. 12. All other officers shall have such powers and perform such duties as may be given and required by this act, and the ordinances and resolutions of the common council.

TITLE IV.

OF THE POWERS OF THE COMMON COUNCIL.

SECTION 1. The mayor, recorder, and aldermen, when assembled together and organized, shall constitute the common council of the city of Ann Arbor, and a majority of the whole (the mayor or recorder always being one) shall be necessary to constitute a quorum for the transaction of business, (but a less number may adjourn from time to time); and the common council may be summoned to hold their meetings at such place as the mayor, or in case of his absence or inability to act, the recorder may appoint, and at such place as shall have been designated as council room by the common council. The common council shall have power to impose, levy, and collect such fines as they deem proper, not exceeding five dollars, for the non-attendance at any meeting of any officer of the corporation, who has been duly notified to attend the same. In case of the absence of the mayor or recorder from such meeting, the members present may appoint a president or recorder *pro tempore*. Each member of the common council shall be entitled to one vote.

SEC. 2. The common council, in addition to the powers and duties specially conferred upon them in this act, shall have the management and control of the finances, rights, interests, buildings, and all property, real and personal, belonging to the city, and make such orders and by-laws

* As amended by Act No. 223, S. L. 1871, page 490.

relating to the same as they shall deem proper and necessary; and further, they shall have power, within said city, to enact, make, continue, modify, establish, amend, and repeal such ordinances, by-laws, and regulations as they deem desirable, within said city, for the following purposes:

First. To prevent vice and immorality, to preserve public peace and good order, to organize, maintain, and regulate a police of the city, to prevent and quell riots, disturbances and disorderly assemblages, to prevent the violation of the Sabbath and the disturbance of any religious congregation, or any other public meeting assembled for any lawful purpose.

Second. To restrain and prevent disorderly and gaming houses and houses of ill-fame, and seize all instruments and devices used for gaming, and to prohibit all mock auctions, gaming, and fraudulent practices and devices, and to regulate and restrain billiard tables and bowling alleys.

Third. To forbid and prevent the vending or other disposition of liquors and intoxicating drinks in violation of the laws of this State, and to forbid the selling or giving to be drunk, any intoxicating or fermenting liquors to any common drunkards, or to any child or young person, and to prohibit, restrain and regulate the sale of all goods, wares and personal property at auction, except in cases of sales authorized by law, and fix the fees to be paid by and to auctioneers;

Fourth. To prohibit, restrain and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, or other public performances and exhibitions for money, except exhibitions of agriculture or educational societies or associations;

Fifth. To abate or remove nuisances of every kind, and to compel the owner or occupant of any grocery, tallow-chandler shop, butcher's stall, slaughter-house, glue, starch or soap factory, establishment for rendering tallow,

lard or oil, and all establishments where any nauseous, offensive or unwholesome business may be carried on, blacksmiths', coopers', cabinet makers', carpenters' and joiners' shops, and all buildings, business, and establishments of any kind usually classed as extra hazardous in respect to fire, tannery, stable, privy, hog-pen, sewer, or any other offensive or unwholesome house or place, to cleanse, remove or abate the same from time to time, as often as for the health, comfort and convenience or safety of the inhabitants of said city may require;

Sixth. To direct the location of all slaughter-houses, markets, and buildings for storing gunpowder or other combustible or explosive substances;

Seventh. To regulate the buying, carrying, selling and using of gunpowder, fire-crackers or fire-works, manufactured or prepared therefrom, and other combustible materials, and the exhibitions of fire-works and the discharge of fire-arms, and the lights in barns, stables and other buildings, and to restrain the making of bonfires in streets and yards;

Eighth. To prevent the incumbering of streets, sidewalks, cross-walks, lanes, alleys, bridges or aqueducts, drains or ditches, in any manner whatever;

Ninth. To prevent and punish horse-racing and immoderate driving or riding in any street, or over any bridge, and to authorize the stopping and detaining any person who shall be guilty of immoderate driving or riding in any street or over any bridge in said city;

Tenth. To authorize any railroad in said city to determine and designate the route and grades of any railroad to be laid in said city, and to restrain and regulate the use of locomotives, engines and cars upon the railroads within the city;

Eleventh. To prohibit or regulate bathing in any public water, or in any open or conspicuous place, or any indecent exposure of the person in the city, and to provide

for the cleansing of the river Huron and other streams in said city;

Twelfth. To restrain and punish drunkards, vagrants, mendicants, street-beggars, and persons soliciting alms or subscriptions for any purpose whatever;

Thirteenth. To establish and regulate one or more pounds, and to restrain and regulate the running at large of horses, cattle, swine, and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred and the cost of keeping and impounding;

Fourteenth. To prevent and regulate the running at large of dogs, and to impose taxes on the owners of dogs, and to prevent dog-fights in the streets;

Fifteenth. To prohibit any person from bringing or depositing within the limits of said city any dead carcases or other unwholesome or offensive substances, and to require the removal or destruction thereof. If any person shall have on his premises such substances, or any putrid meats, fish, hides, or skins, of any kind, and on his default, to authorize the removal or destruction thereof, as a public nuisance, by some officer of the city;

Sixteenth. To compel all persons to keep sidewalks in front of premises owned or occupied by them, clear from snow, ice, dirt, wood, or obstructions;

Seventeenth. To regulate the ringing of bells and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets;

Eighteenth. To appoint and prescribe the powers and duties of watchmen, and the fines and penalties for their delinquencies;

Nineteenth. To prohibit, restrain or regulate within such parts of the city as they may deem expedient, and prescribe the building, rebuilding, enlarging, repairing or placing of wooden buildings therein, to regulate and estab-

lish the line upon which buildings may be erected upon any street, lane or alley in said city, and to compel such buildings to be erected upon such line, by fine upon the owner or builder thereof, not to exceed five hundred dollars;

Twentieth. To provide for obtaining, holding, regulating and managing burial grounds, within or without the city, when established for the benefit thereof; to regulate the burial of the dead, and to compel the keeping and return of bills of mortality.

Twenty-first. To establish, order, and regulate the markets; to regulate the vending of wood, hay, meat, vegetables, fruits, fish, and provisions of all kinds, and prescribe the time and place of selling the same, and the fees to be paid by butchers for license; to prohibit the sale of unwholesome meat, poultry, fish, vegetables, or other articles of food or provisions; impure, spurious or adulterated wine, spirituous liquors or beer, or knowingly keeping or offering the same for sale; *Provided*, That nothing herein contained shall authorize the common council to restrict in in any way the sale of fresh and wholesome meats, by the quarter, within the limits of the city;

Twenty-second. To establish, regulate and preserve public reservoirs, wells, penstocks and pumps, and to prevent the waste of water; to authorize and empower, under such regulations and upon such terms and conditions as they may choose, the laying of water pipes in the streets and alleys of the city, for the purpose of supplying the inhabitants of said city with water; to grant such exclusive privileges as they may deem expedient, to any company for that purpose, and to regulate the supply and use of the water;

Twenty-third. To regulate sextons and undertakers for burying the dead; cartmen and their carts, hackney carriages and their drivers, omnibuses and their drivers, scavengers, porters, and chimney sweeps, and their fees and

compensation; and to make regulations for preventing auctions, peddling, pawn-brokerage, or using for hire carts, drays,cabs,hacks,or any kind of carriage or vehicle, or opening or keeping any tavern, hotel, victualing house, saloon, or other house or place for furnishing meals, food or drink, or billiard-tables or ball alleys, without first obtaining from the common council license therefor; for licensing and regulating carts, drays, cabs, hacks, and all carriages or vehicles kept or used for hire; auctioneers, peddlers, pawnbrokers, auctions, peddling, pawn-brokerage, taverns, hotels, victualing-houses, saloons, and other houses and places for furnishing meals, food or drink, and keepers of billiard-tables and ball alleys, not used for gaming;

Twenty-fourth. To prevent runners, stage-drivers, and others, from soliciting passengers and others to travel or ride in any stage, omnibus, or upon any railroad, or to go to any hotel or otherwhere;

Twenty-fifth. To make regulations for the lighting of the streets and alleys, and the protection and safety of public lamps;

Twenty-sixth. To provide for and regulate the numbering of the buildings upon the streets or alleys, and to compel the owners or occupants of buildings to affix numbers on the same;

Twenty-seventh. To prescribe the duties of all officers appointed by the common council, and their compensation, and the penalty or penalties for failing to perform such duties; and to prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time for executing the same, in cases not otherwise provided for by law;

Twenty-eighth. To preserve the salubrity of the waters of the Huron river, or other streams within the limits of the city; to fill up all low grounds or lots covered, or partially covered with water, or to drain the same, as they may deem expedient;

Twenty-ninth. To prescribe and designate the stands for carriages of all kinds, which carry persons for hire, and carts and carters, and to prescribe the rates of fare and charges, and the stand or stands for wood, hay and produce exposed for sale in said city;

Thirtieth. To provide for taking a census of the inhabitants of said city, whenever they may see fit, and to direct and regulate the same;

Thirty-first. To establish a grade for streets and sidewalks, and cause the sidewalks to be constructed in accordance with the same;

Thirty-second. To prescribe the duties of sealer of weights and measures, and the penalty for using false weights and measures, and all the laws of this State in relation to the sealing of weights and measures shall apply to said city, except as herein otherwise provided;

SEC. 3. The common council may ascertain, establish and settle the boundaries of all streets and alleys in the said city, and prevent and remove all encroachments thereon, and exercise all other powers conferred on them by this act in relation to highways, the prevention of fires, the preservation of the public health, the levying of taxes, the supplying the city with water, and all other subjects of municipal regulations herein expressly provided for.

SEC. 4. Where by the provisions of this act the common council have authority to pass ordinances on any subject, they may prescribe a penalty not exceeding one hundred dollars (unless a greater penalty be herein otherwise provided) for a violation thereof, or that the offender be imprisoned in the county jail or house of correction for a term not exceeding ninety days; or the common council may, in such by-law or ordinance, direct that the offender shall be punished by fine or imprisonment (within the limits aforesaid) in the discretion of the justice who shall try the offender.

SEC. 5. No ordinance of the common council imposing a fine or imprisonment shall take effect until the same

shall have been published for two weeks successively in a newspaper published in said city.

SEC. 6. A record or entry made by the recorder of said city, or a copy of such record or entry duly certified by him, shall be *prima facie* evidence of the time of such first publication; and all laws, regulations and ordinances of the common council may be read in evidence in all courts of justice, and in all proceedings before any officer, body or board, in which it shall be necessary to refer there, to, either

First. From a copy certified by the recorder of the city of Ann Arbor; or

Second. From the volume of ordinances purporting to be printed by the authority of the common council.

SEC. 7. The common council shall have power to purchase and to hold suitable lot or lots of land, within or without the corporation limits, for the purpose of a city cemetery or cemeteries, and they shall make such rules and regulations regarding the same as they may deem necessary, and may cause the same to be surveyed into suitable lots, and may dispose of the same to purchasers, and thereupon cause to be executed to such purchaser a good and sufficient deed in the corporate name of said city, which deed shall be signed by the mayor and recorder. The cemeteries now existing within the limits of said city shall be subject to all laws, ordinances and resolutions in force in said city, and the common council of the city of Ann Arbor shall have power and authority to make such by-laws or ordinances, and prescribe such rules and regulations, as they may deem necessary and expedient for the protection, management and government of any cemetery or burial ground in said city, and to prescribe in and by any such laws or ordinances, that any person or persons violating any of the by-laws, ordinances, rules or regulations so made, shall or may, upon conviction thereof, be punished by a fine not exceeding twenty-five dollars, or be imprisoned in the county jail or house of correction not

exceeding thirty days, or by both, in the discretion of the court or justice before whom the offender shall be tried.

SEC. 8. The common council shall have power, whenever in their opinion the necessities of the city require, to construct a city almshouse, city hall, city market or markets, and city slaughter-house, and appoint the keepers or clerks and necessary officers thereof, and may locate such city almshouse and city slaughter-house within or without the city limits, and may make such regulations in regard to the same as the common council may think proper.

SEC. 9. The common council shall, in the month of March in each year, make out a detailed statement of all the receipts and expenditures of the corporation for the past year, which statement shall state particularly upon what account all moneys were received, and it shall also specify all appropriations made by the common council during the year, and the particular purpose for which each appropriation was made. Such statement shall be signed by the mayor and recorder, and be filed in the recorder's office, and a copy thereof shall be published in a newspaper printed in said city, for at least two weeks.

SEC. 10. The common council shall have authority to make all by-laws and ordinances relative to the powers, duties and compensation of the officers of said corporation, subject to the restriction as to the compensation of officers mentioned in this act, to provide for the collection and disposition of all fines and penalties which may be incurred under the by-laws and ordinances of said city, and to make all such other by-laws, ordinances and regulations for the purpose of carrying into effect the powers conferred by this act, which they may deem necessary to provide for the safety and good government of the city, and preserve the health and protect the property of the inhabitants thereof; and to this end the common council may impose fines and penalties for any violation of the by-laws and ordinances which may be made by them as aforesaid.

TITLE V.

FINANCE AND TAXATION.

SECTION 1. The common council shall examine, settle and allow all accounts and demands properly chargeable against the said city, as well of its officers as other persons, and shall have authority to provide means for the payment of the same, and for defraying the contingent expenses of the said city, subject only to the limitation and restrictions in this act contained.

SEC. 2. The common council shall have authority to assess, levy, and collect taxes on all the real and personal estate taxable in said city, which tax shall be and remain a lien upon the property so assessed until the same shall be paid: *Provided*, That they shall not raise by general tax in any one year, exclusive of school taxes, more than six thousand dollars for general purposes, nor more than two thousand dollars for street and highway purposes, except as hereinafter stated, unless authorized thereto by vote of the property taxpayers of said city who are electors, when convened for that purpose pursuant to previous notice: *Provided further*, That the common council shall have the power, at the request of the alderman of any ward, to cause to be levied and collected by tax, in such ward, as other taxes, a sum not exceeding one thousand dollars for that year for highway purposes, to be expended in said ward under the direction of the aldermen thereof: *And provided further*, That nothing herein contained shall be so construed as to prohibit the common council of said city from regulating by tax or otherwise the business of dealing in malt, spirituous, or intoxicating liquors.*

SEC. 3. Whenever the common council shall deem it necessary to raise a greater sum in any one year than six thousand dollars for general purposes, or two thousand dollars for street or highway purposes, they shall give at least

* As amended by act No. 234, S. L. 1877, page 24.

five days' notice, in writing, to be posted up in at least five public places in each ward in said city, which notice shall state the time and place of such meeting, and shall specify the objects and purposes for which the moneys proposed to be raised are to be expended, and when such meeting shall be assembled in pursuance of such notice, such electors, by a ballot vote, shall determine the amounts of money which shall be raised for such objects specified in the notice: *Provided*, That such tax shall not in any one year exceed one per cent. of the valuation of the real and personal estate taxable within the limits of the city: *And provided also*, That not more than two such meetings shall be held in any one calendar year.*

SEC. 4. The common council may appoint the aldermen to assist the supervisor in taking the assessment of property in the respective wards where the alderman resides, and all State, county, and school taxes in said city, and all city taxes which shall be raised by general tax, shall be levied and collected, as near as may be, in the same manner as is provided by law for the assessment and collection of taxes by township officers; and all proceedings for the return, sale and redemption of real estate for non-payment of taxes, shall be in conformity with the proceedings for the return, sale and redemption of real estate as required by the laws of this State.

SEC. 5. Whenever the common council shall be authorized by a vote of the property taxpayers of said city to raise a tax for any specific purposes, and which cannot be included in the assessment roll, and collected and returned for non-payment, as provided in the preceding section of this act, it shall be lawful for the common council to apportion such tax upon the property taxable for such purpose, according to the valuation contained in the then last assessment roll, and shall place the tax in a column opposite the valuation of the property; and when such roll is

* As amended by Act No. 223, S. L. 1871, page 491.

completed, the recorder shall make and deliver a copy thereof to the treasurer of said city, together with a warrant or warrants, signed by the mayor and recorder, commanding such treasurer to collect from the several persons named in said roll, the several sums mentioned in the last column of such roll opposite their respective names, within a time in said warrant specified, not less than thirty days nor more than ninety days from the date thereof, together with a collection fee of one per cent., which said treasurer may add to each person's tax and collect therewith; and such warrant shall authorize the treasurer, in case any person named in said roll shall neglect or refuse to pay his tax, with the collection fee above provided, to levy the same by distress and sale of the goods and chattels of such person; and it shall be the duty of such treasurer to collect such taxes within the time specified in such warrant, or within such further time as the common council may by resolution direct, and to deliver such roll and warrant to the recorder; and if any person shall neglect or refuse to pay the tax imposed upon him, the treasurer may levy the same by distress and sale of the goods and chattels of such person in the same manner as township treasurers; and if any of the taxes mentioned in said roll shall remain unpaid, and the treasurer shall be unable to collect the same from the person taxed, he shall make out and deliver to the city recorder a full and perfect copy from said roll, of the description of the premises so taxed, and of the taxes thereon so unpaid, and shall add thereto an affidavit, sworn to before an officer authorized to administer oaths for general purposes, that the sums mentioned in such statement remain unpaid, and that he has not, upon diligent search and inquiry, been able to discover any goods or chattels belonging to the person taxed, whereupon he could levy the same.*

SEC. 6. The common conncil may by ordinance provide for the collection of all taxes necessary to be raised,

* As amended by Act No. 217, S. L. 1873, page 123.

other than such as may be raised as provided in section four, of title five, and for the sale of any real estate for the non-payment of such tax, and for the redemption thereof: *Provided*, That all the proceedings relative to the notice of sale, the manner of conducting the same, and the time to redeem, shall be in conformity as near as may be to the provisions of law regulating the sale of lands delinquent for State, county, and township taxes.

SEC. 7. In making assessments in said city, and in apportioning the taxes for city purposes, the supervisors shall so discriminate as not to impose upon the rural portions those expenses which belong exclusively to the built portions of the city, for which purpose they may in their discretion distinguish in their assessments what properties are within the agricultural or rural sections, not having the benefit of lighting, watering, watching, or other expenditures for purposes exclusively for the benefit of the built and densely populated parts of the city; and all lands within such agricultural or rural districts exclusively used for woodland, pasture, meadow, or farming purposes, may be assessed to the owner or occupant at their cash value, and by some general description, and not as separate city lots; and for such purpose the common council, in preparing the certified statement to the supervisors of the amount of taxes to be raised for general purposes, public buildings, or street or highway purposes, shall distinguish between the expenses which are properly chargeable upon the whole city, and those which are exclusively for the benefit of the more densely populated parts of the city, and shall apportion to each assessment district its equitable proportion of the taxes for each purpose, and shall in such statement distinguish the amount of each class of such local expenses; and the supervisors, in levying such local taxes, shall charge upon the property within the district to be benefited by such local expenditures, the amount of taxes therefor.*

* As amended by Act No. 217, S. L. 1873, page 124.

SEC. 8. Each supervisor of said city shall, on or before the first day of December, deliver to the city treasurer a copy of the corrected assessment roll of his district, with the taxes for the year annexed to each valuation and carried out in the last column thereof: the school, library and school-house taxes in one column, the highway or street taxes in another, the city taxes in another, the county taxes in another, and the State taxes in another column; and if other taxes are at any time required by law, they shall be placed each in another column, and the warrant for the collection shall specify particularly the several amounts and purposes for which said taxes are to be paid into the city and county treasuries respectively.*

SEC. 9. To such assessment roll or tax list each supervisor shall annex a warrant, under his hand, directed to the city treasurer, commanding him to collect from the several persons named in said roll the several sums mentioned in the last column of such roll opposite their respective names; and such warrant shall authorize the treasurer, in case any person named in such roll shall neglect or refuse to pay his tax, with the fees for collection to be added by said treasurer, as hereinafter provided, to levy the same by distress and sale of the goods and chattels of such person.†

SEC. 10. The city treasurer shall, immediately after the receipt of the several tax rolls, post up in the post-office in said city, and in as many as ten of the most public places in each ward of said city, conspicuous handbills, giving notice where the tax rolls can be seen, the taxes paid, and a receipt obtained therefor, at any time between nine o'clock in the forenoon and twelve o'clock, noon, and from one o'clock until four o'clock in the afternoon, during the month of December (Sundays and Christmas excepted); and the tax rolls shall be kept at the place men-

* As amended by Act No. 217, S. L. 1873, page 125.

† As amended by Act No. 217, S. L. 1873, page 126.

tioned in such handbills during the days and hours above specified, so that any person or persons can pay the tax or taxes assessed against him or them, and obtain the treasurer's receipt therefor. *

SEC. 11. Upon all taxes paid to the treasurer before the first day of January, he shall add one-half of one per cent. for collection fees; and upon all taxes collected by him after the said first day of January, he shall add one and one-half of one per cent. for such collection fees, and collect such percentage with such tax, in the same manner as he is authorized to collect the tax; and for the purpose of collecting such fees by the treasurer, such percentage shall be deemed and taken to be a part of the tax.†

SEC. 12. The treasurer of said city shall proceed to collect the taxes in the several supervisors' districts, and on or before the first day of February shall account for and pay over to the county treasurer the amounts specified in the several supervisors' warrants to be collected for State and county purposes, and shall return to the said county treasurer a statement of the taxes remaining unpaid and due, in the manner provided by law for township treasurers; and all the provisions of the laws of this State relating to the collection of taxes by township treasurers, or to the paying over money by the township treasurers to the county treasurer, or returning by the township treasurer to the county treasurer of a statement of the taxes remaining unpaid and due, are hereby made applicable to the treasurer of said city.‡

SEC. 13. §

SEC. 14. No bond, note, or other obligation, or evidence of indebtedness of said corporation, except orders on the treasurer, as hereinafter provided, shall ever be

* As amended by Act No. 217, S. L. 1873, page 126.

† As amended by Act No. 217, S. L. 1873, page 126.

‡ As amended by Act No. 217, S. L. 1873, page 127.

§ Repealed by Act No. 217, S. L. 1873.

given or issued by said corporation, or by any officer thereof, in his official capacity, whereby the said city shall become obligated to pay any money, unless the same shall have been duly authorized by the Legislature of this State, and shall have been submitted to and voted for by the tax-payers of said city, in conformity to this act; but the common council may allow just claims against the city, and may issue orders therefor on the treasurer, payable on the first day of February next thereafter, but such orders shall not in the aggregate, in any one year, exceed the aggregate of taxes levied to pay the same in such year. All moneys received for the use of said city shall be paid into the city treasury, and no moneys [money] shall be drawn from the treasury unless it shall have been previously appropriated by the common council to the purpose for which it shall be drawn, except school moneys drawn upon the lawful authority; and the treasurer shall pay out no money except as above stated, but upon the written warrant of the mayor and recorder: *And provided further*, That the common council be and is hereby authorized and empowered to borrow the sum of twenty thousand dollars, to be appropriated in aid of the erection of a new court house in said city by the county of Washtenaw, and issue the bonds of the city therefor, and provide for the payment thereof as they may become due, with the interest accruing thereon, in accordance with the conditions and terms of certain resolutions adopted at a meeting of the property tax-payers of said city who were electors, duly called and held therein, on the fifth day of December, eighteen hundred and seventy-six.*

TITLE VI.

STREETS, SIDEWALKS, AND PUBLIC IMPROVEMENTS.

SECTION 1. The common council shall be the commissioners of highways for said city, and shall have the care,

* As amended by Act No. 307, S. L. 1877, page 286.

supervision and control of the highways, streets, bridges, lanes, alleys, parks and public grounds therein, and of keeping, preserving, repairing, improving, cleansing and securing of such highways, bridges, lanes, alleys, parks and public grounds. The common council shall have power to regulate the time and manner of working upon the streets; to provide for grading and paving the same; to prevent the obstruction or incumbering of any of the streets, lanes, alleys, sidewalks or public grounds in said city; to provide for the erection, preservation and maintenance of lamp-posts and lamps in said streets, and to provide for lighting the same; to provide for the planting and protection of shade trees along the sides of the streets and on public grounds in said city, and to keep such public grounds in good condition; to lay out, open and repair streets and alleys, and the same to alter and vacate, and to alter and vacate those already laid out. Whenever the common council shall be applied to in writing by ten or more freeholders of said city, to lay out, establish, open, alter or discontinue any street, common, lane, alley, sidewalk, highway, water-course, or bridge, they shall proceed to lay out, establish, open, alter or discontinue the same, as hereinafter directed: *Provided*, That no second application shall be made within twelve months for that purpose. Whenever the common council shall be applied to as before mentioned, to lay out and establish, open, alter or discontinue such streets, commons, lanes, alleys, sidewalks, highways, water-courses and bridges, the common council shall give notice thereof to the owners or occupants or persons interested, or his or their agent or representative, by personal service, or by posting up notices in five or more public places in the city, stating the time and place when and where the common council will meet to consider the same, which notice shall describe the street, lane, common, alley, sidewalk, highway, water-course or bridge proposed to be laid out, altered, opened, established or discontinued, and which notice shall be posted at least

ten days before the time of meeting. If after hearing the persons interested, who may appear before them, the common council shall determine to lay out or alter any street, lane or alley, they may proceed to obtain a release of the right of way for the proposed street, by gift or purchase. If the terms of such release shall not be agreed upon, it shall be lawful for the mayor, or in case the mayor shall be absent, for the recorder, to apply to any justice of the peace of said city for the appointment of a jury of twelve freeholders of the county, to appraise the damage thereon to such person as shall not have released all claim for damages, or agreed with the common council on the price to be paid by reason of the establishing, laying out, opening or altering such street, common, lane, alley, sidewalk, highway, water-course or bridge, which application shall describe the premises through which it is proposed to open, alter, lay out, establish or discontinue such street, common, lane, alley, sidewalk, highway, water-course or bridge. Upon the receipt of such application, said justice shall make a list of twelve disinterested freeholders residing in the county, and shall issue a venire, under his hand, directed to the marshal of said city, or any constable of said county, commanding the officer therein named to summon the persons named in said list, to be and appear at his office on some day to be therein named, not less than six days nor more than twelve days from the time of issuing the same, to serve as jurors to appraise the damages occasioned by taking the property described in such application for the purposes of such street, common, lane, alley, sidewalk, highway, water-course or bridge; and if all the jurors shall not appear, the said justice shall cause a sufficient number of talesmen to be summoned to make a full jury. The jurors shall be sworn by such justice to appraise the damages occasioned by taking the property described in such application for the purposes aforesaid. They shall proceed to view the premises described, and shall, within five days thereafter, make returns to the said justice in writing,

signed by them, of their doings, which shall state the amount of damages awarded, if any, to whom payable, if known, and a statement of the time spent by them for that purpose, which return shall be certified by said justice and filed in the recorder's office. Such jurors shall be entitled to receive one dollar per day, and fifty cents for each half day, and the justice and marshal or constable each one dollar for their fees; and the award of said jury shall be final and conclusive. The damages which shall have been awarded as heretofore provided, or which shall have been contracted to be paid by said common council as in this section provided, and the fees and charges lawfully incurred, shall be levied and collected in said city, and shall be paid on the order of the common council as other city charges, and such order for damages shall be delivered or tendered to the person or persons in whose favor such award of damages shall be made, if known, and residents of said city, before such street, lane or alley shall be opened or used: *Provided*, The parties in whose favor an award of damages shall be made are unknown or be non-residents, it shall be sufficient to make the award of damages to the "unknown owner or owners, or non-resident owner or owners," of the parcel of land taken, describing it as the parcel through which the street, lane, alley, sidewalk, bridge or highway may run; and the unknown parties or non-residents shall be entitled to receive their orders as aforesaid upon proof to the common council of their ownership of said property so appropriated to the public use.

SEC. 2. The common council shall have all the powers given by statute to highway commissioners, so far as applicable, except as herein otherwise provided; and the city recorder shall discharge the like duties as are imposed on the township clerk by the provision of law.

SEC. 3. When the damages or compensation aforesaid shall have been paid or tendered to the person entitled thereto, or an order on the city treasury for the amount of such damages shall have been executed and delivered or

tendered to such persons or persons, if known, and residents of said city, said common council shall then give notice to the owner or occupant of the land through which any such highway, street, lane, alley or common, sidewalk, water-course or bridge shall have been laid out, altered or established; or if such owner or occupant shall not be known, or be non-resident, then by posting such notice in three public places in the ward or wards in which said property shall be situated, and require him within such time as they shall deem reasonable, not less than thirty days after giving such notice, to remove his fence or fences; and in case such owner or occupant shall neglect or refuse to remove his fence or fences within the time specified in such notice, the said common council shall have full power, and it shall be their duty, to enter with such aid and assistance as shall be necessary, upon the premises, and remove such fence or fences, and open such highway, street, lane, alley, sidewalk, or water-course, without delay, after the time specified in such notice shall have expired: *Provided*, That in the rural districts of said city, no person shall be required to remove his fence or fences between the first day of May and the first day of November.

SEC. 4. No person shall be deemed to have gained any title as against the city by lapse of time, to any street, lane, alley, common or public square heretofore laid out or platted by the proprietor or proprietors of said city, or any part thereof, by reason of any encroachment or enclosure of the same.

SEC. 5. The common council shall have power to assess and levy by a tax the expenses of making, grading, paving, opening, widening and repairing streets, lanes and alleys, and of putting curb-stones, gutters and culverts therein; of grading, paving or planking, repairing and renewing sidewalks, of draining low lands, of making drains and sewers and other local improvements upon the lots, premises and subdivisions thereof, which are in front of or adjoining to such streets, sidewalks, drains, sewers and

other improvements, or upon lots and premises which in the opinion of the common council are most benefited thereby, or by general tax, as they may deem proper; and the common council shall have power to make all by-laws and ordinances relative to the mode of assessing, levying and collecting such taxes: *Provided*, That the common council in providing for the expense of grading and paving streets, lanes and alleys, may include the necessary crosswalks, gutters, curbing and ballasting, and shall apportion such expense upon a local assessment district to be constituted of the lots or premises fronting upon that part of the street or alley proposed to be paved, or constituted of lots and premises fronting upon such improvements, and such other lands as in the opinion of the common council may be benefited by such improvement. When such assessment is to be made upon lots or premises in proportion to their frontage upon such improvement, if from the shape or size of any of such lots or premises an assessment thereon in proportion to its frontage would be unjust and disproportionate to the assessments upon other lots, the common council may assess such lots for such number of feet frontage as in their opinion will be just; and said council may direct a just portion of such assessment to be paid from the general street fund: *Provided further*, That no such assessment for the construction of any new sidewalk by planking or otherwise, or pavement of any street or alley, shall be made or collected other than by general tax, unless upon the application in writing of a majority of all the owners or occupants of the real estate which may be subject to assessment for such sidewalk or pavement.*

SEC. 6. The common council shall have power to assess and collect from every male inhabitant of said city over the age of twenty-one years, except paupers, idiots, and lunatics, and all persons fifty years old and over, a list of whom shall be made by the supervisors at the time of

* As amended by Act No. 371, S. L. 1879, page 173.

making their annual assessments, an annual capitation or poll tax, not exceeding one dollar, and they may provide by ordinance for the collection of the same, provided that any person assessed for a poll tax may pay the same by one day's labor upon the streets, under the direction of the street commissioner or any alderman of the ward in which he resides, and the money raised by poll tax or the labor in lieu thereof shall be expended or performed in the respective wards where the person so taxed shall reside.*

SEC. 7. Whenever the common council shall deem it expedient to construct, repair or renew any sidewalks within the limits of said city, they may by ordinance or otherwise require the owner of any lot or premises adjoining said street to construct such sidewalk or repair or renew the same in front of his or her lot or premises, in accordance with the provisions of this act. The common council may by ordinance or otherwise, under such penalty or penalties as they may prescribe, require the owners or occupants of lots or premises in said city or in any specified part thereof, to grade, construct, repair and renew sidewalks adjoining their respective premises, in such manner as the common council may direct. If the owner or occupant of any lot or premises, after notice so to do shall have been posted on such lot or premises or otherwise given, served, or published, as the common council may direct by ordinance, resolution or otherwise, shall fail or neglect to construct, repair or renew any sidewalk or to clear away any snow, ice or other obstruction from any sidewalk or to widen any street adjoining to such lot or premises within such time as the common council may prescribe or require by ordinance, resolution or otherwise, the common council may cause the same to be done at the expense of the city, and such expense shall be deemed to be a special assessment upon such lot or premises, and the common council may add the same to the amount of the

* As amended by Act No. 371, S. L. 1879, pages 174-5.

general city tax on such lot or premises in the proper district tax roll made the same year the said expense for such improvement was incurred or next thereafter to be made; and the amount so added shall be a lien on the premises in the same manner as the State, county and other city taxes to which it is added, and may be collected and enforced and, if not paid, the land sold therefor in the same manner as for other ordinary taxes, and at the time of the sale of any such lot or premises for such delinquent tax or taxes, the city recorder or other officer of the city may cause the same to be bid off to the city in its corporate name, and if not redeemed within the time allowed by law, the city shall be entitled to a deed of such lot or premises from the auditor general, as provided in other cases, which deed shall be *prima facie* evidence of the regularity of all the proceedings by the common council and other officers of the city relating to such local improvement and assessment of the cost upon such lot or premises as well as of all the proceedings by the assessor and other officers from the valuation of such lot or premises to the date of the deed, inclusive, and of title in fee in the purchaser.*

SEC. 8. Whenever an action shall have been maintained and judgment recovered against said city by any person on account of damages sustained by reason of any defective sidewalk or opening in the same, occasioned by the wrong or negligence of the owner or occupant of the premises in front of which said sidewalk shall be, or on account of any excavation in the street by any gas, hydraulic or railroad company, and such owner, occupant or company shall have been reasonably notified to appear and defend such action, the judgment, if any, obtained against said city, shall be conclusive as to the amount of the damages, and the validity of the claim of the city against such owner, occupant or company, and the same may be recov-

* As amended by Act No. 371, S. L. 1879, page 174.

ered in an action for money paid for the use of said owner, occupant or company, or in any other proper form of action.

TITLE VII.

PREVENTION AND EXTINGUISHMENT OF FIRES.

SECTION 1. For the purpose of guarding against the calamities of fire, the common council may from time to time, by ordinance, designate such portions and parts of the said city as they shall think proper, within which no building of wood shall be erected, and may regulate and direct the erection of buildings within such portions and parts, and the size and materials thereof, and the size of the chimneys therein; and every person who shall violate any such ordinance or regulation shall forfeit to the city the sum of one hundred dollars, and every building erected contrary to such ordinance is hereby declared to be a common nuisance, and may be abated and removed by such common council.

SEC. 2. The common council may by ordinance require the owners or occupants of houses and other buildings to have scuttles on the roofs of such houses and other buildings, and stairs or ladders leading to the same; and whenever any penalty shall have been recovered against the owner or occupant of any house or other building, for not complying with such ordinance, the common council may at the expiration of twenty days after such recovery, cause such scuttles and stairs or ladders to be constructed, and may recover the expenses thereof, with ten per cent. in addition, of the owner or occupant whose duty it was to comply with such ordinance.

SEC. 3. The common council may by ordinance require the inhabitants of the city to provide such and so many fire buckets for each house or tenement therein, and within such time as they shall prescribe, and may require such buckets to be produced at every fire.

SEC. 4. The common council may regulate and direct the construction of safe deposits for ashes, and may compel the cleaning of chimneys, flues, stove-pipes, and all other conductors of smoke, and upon the neglect of the owner or occupant of any house, tenement or building of any description having therein any chimneys, flues, stove-pipe, or other conductors of smoke, to clean the same, as shall have been directed by any ordinance, the common council may cause the same to be cleansed, and may collect the expenses thereof, and ten per cent. in addition, from the owner or occupant whose duty it was to have the same cleaned.

SEC. 5. The common council may regulate the use of lights and candles in livery stables and other buildings in which combustible articles may be deposited, and may prescribe the use of lanterns or safety lamps in such buildings; and may regulate the transporting, keeping and deposit of gunpowder or other dangerous or combustible materials, and may prevent or regulate the carrying on of manufactures dangerous in causing or producing fires, and may authorize and direct the removal of any hearth, fire-place, stove-pipe, flue, chimney, or other conductor of smoke, or any apparatus or device in which any fire may be used, or to which fire may be applied, that shall be considered dangerous and liable to cause and promote fires, and generally may adopt such other regulations for the prevention and suppression of fires as they may deem necessary.

SEC. 6. For the purpose of enforcing such regulations the common council may authorize any of the officers of the said city, and may appoint persons, at all reasonable times, to enter into and examine all dwelling-houses, buildings, and tenements of every description, and all lots, yards, and enclosures, and to cause such as are dangerous to be put in safe condition; and may authorize such officers and persons to inspect all hearths, fire-places, stoves, pipes, flues, chimneys, or other conductors of smoke, or

any apparatus or device in which fire may be used or to which fire may be applied, and remove and make the same safe, at the expense of the owners or occupants of the buildings in which the same may be, and to ascertain the number and condition of the fire-buckets, and the situation of any building in respect to its exposure to fire, and whether scuttles and ladders thereto have been provided, and generally with such powers and duties as the common council shall deem necessary to guard the city from the calamities of fire.

SEC. 7. The common council may procure, own, build, erect, and keep in repair, such and so many fire engines, with their hose and other apparatus, engine houses, ladders, fire hooks, and other implements and conveniences for the extinguishment of fires, and to prevent injuries by fire, and so many public cisterns, wells, and reservoirs of water as they from time to time shall judge necessary.

SEC. 8. The common council shall have power to organize said city into so many fire districts as they may deem necessary, and may organize and maintain a fire department for said city, to consist of one chief engineer, two assistant engineers, and twice as many wardens as there are wards in the said city, a proper number of firemen, not exceeding eighty to each engine, such numbers of hook and ladder men, and such number of tub and hose men, as may be appointed by the said common council, all to have privileges and exemptions of firemen, and to hold their appointment during the pleasure of the common council.

SEC. 9. The common council may make rules and regulations for the government of said engineers, wardens, firemen, hook and ladder men, and tub and hosemen; may prescribe their respective duties in case of fire or alarms of fire; may direct the dresses and badges of authority to be worn by them; may prescribe and regulate the time and manner of their exercise, and may impose reasonable fines for the breach of any such regulations.

SEC. 10. The engineers and fire wardens, under the direction of the common council, shall have the custody and general superintendence of the fire engines, engine house, hooks, ladders, hose, public cisterns, reservoirs and other conveniences for the extinguishment and prevention of fires, and it shall be their duty to see that the same are kept in order, and to see that the by-laws and ordinances relative to the prevention and extinguishment of fires are duly executed, and to make detailed and particular reports of the state of their department, and of the conduct of the firemen, hook and ladder men, tub and hosemen, to the common council at stated periods, to be prescribed by the common council, and to make such reports to the mayor whenever required by him; the certificate of the recorder that a person is or has been a fireman shall be evidence of the fact in all courts and places, on proof of the genuineness of such certificate.

SEC. 11. The common council may, by ordinance, direct the manner in which the bells of the city shall be tolled or rung in cases of fire or alarms of fire, and may impose penalties for ringing or tolling of such bells in such manner at any other time than during a fire or alarm of fire.

SEC. 12. The common council may provide suitable compensation for any injury that any fireman, hook and ladder man, or tub and hose man may receive in his person or property, in consequence of his exertions at any fire.

SEC. 13. The common council may by ordinance—

First. Prescribe the duties and powers of the engineers and wardens at fires, and in cases of alarms of fire, and may vest in them such powers as shall be deemed necessary to preserve property from being stolen, and to extinguish and prevent fires;

Second. To prescribe the powers and duties of the mayor and aldermen at such fires, and in case of alarms;

but in no case shall the mayor or any alderman control or direct the chief engineer or his assistants during any fire;

Third. Provide for the removal or keeping away from such fires all idle, disorderly and suspicious persons, and may confer powers for that purpose on the engineers, fire wardens or officers of the city;

Fourth. Provide for compelling persons to bring their fire buckets to any place of fire, and to aid in the extinguishment thereof by forming lines or ranks for the purpose of carrying water, and by all proper means to aid in the preservation, removal and securing of property exposed to danger by fire;

Fifth. To compel the marshal and his deputies, constables and watchmen of the city to be present at such fires, and to perform such duties as the said common council shall prescribe.

SEC. 14. Whenever any person shall refuse to obey any lawful order of any engineer, fire warden, mayor or alderman at any fire, it shall be lawful for the officer giving such orders to arrest, or to direct orally any constable, watchman, or any citizen, to arrest such person, and confine him temporarily in a safe place until such fire shall be extinguished; and in the same manner such officers or any of them may arrest or direct the arrest and confinement of any person at said fire who shall be intoxicated or disorderly.

SEC. 15. Whenever any building in said city shall be on fire, it shall be the duty, and be lawful, for the chief engineer and two members of the common council, or in case of the absence of the chief engineer, then under the direction of one of the assistant engineers, and two members the common council; or in case of the absence of the chief and assistant engineers, then under the direction of three members of the common council and the foreman of a fire company, to order and direct such building, or any other building which they may deem hazardous and likely to communicate fire to other buildings, or any part of such

building, to be pulled down and destroyed, and no action shall be maintained against any person or against the city therefor; but any person interested in any such building so destroyed or injured, may, within three months thereafter, apply to the common council to assess and pay the damages he has sustained; at the expiration of three months, if any such application shall have been made in writing, the common council shall either pay to the said claimant such sum as shall be agreed upon by them and the said claimant for such damages, or if no such agreement shall be effected the common council shall proceed to assess the amount of such damages, and provide for the collection and payment of the same.

SEC. 16. The common council, in assessing the damages incurred by any claimant, by pulling down or destruction of such building, by the direction of said officers of the city, as above provided, shall take into account the probability of the same having been destroyed or injured by fire if it had not been so pulled down and destroyed, and may report that no damage should be equitably allowed to such claimant; and in case no damages are allowed, or in case any damages are allowed, a payment or tender of an order for the same by the common council, shall be deemed a full satisfaction of all said damages of the said claimant.

TITLE VIII.

OF THE PUBLIC HEALTH.

SECTION 1. It shall be the duty of the common council of said city to appoint a board of health once in each year for said city, to consist of not less than three, nor more than one person in each ward, one of whom shall be a competent physician, and who shall be the health officer thereof.

SEC. 2. The members of said board shall hold their office for one year, and until their successors are appointed

and accept said office, and they shall be removed by the common council only for neglect of duty, misconduct or corruption in office, and after a fair opportunity for defense shall be given them before said council.

SEC. 3. The said board shall have and possess all the powers given by the general statutes of this State to boards of health in townships, in addition to those herein particularly enumerated. Said board of health shall have power and it shall be their duty to take such measures as they shall deem effectual to prevent the entrance of any pestilential or infectious disease into the city; to stop, detain, and examine for that purpose, every person coming from any place infected or believed to be infected with such a disease; to establish, maintain and regulate a pest-house or hospital at some place within the city, or not exceeding three miles beyond its limits or bounds; to cause any person not being a resident of the city, or if a resident of the city who is not an inhabitant of this State, who shall be, or be suspected of being infected with any such disease, to be sent to such pest-house or hospital, to cause any resident of the city infected with any such disease to be removed to such pest-house or hospital if the health physician and two other physicians of the city, including the attending physician of the sick person, if he have one, shall certify that the removal of such resident is necessary for the public health: *Provided*, it can be done with safety to the patient; to remove from the city or destroy any furniture, wearing apparel of goods, wares or merchandise, or other articles of property of any kind, which shall be suspected of being tainted or infected with any pestilence, or which shall be, or likely to pass into such a state as to generate and propagate disease; to abate all nuisances of every description, which are or may be injurious to the public health in any way, or in any manner they may deem expedient, and from time to time to do all acts, make all regulations and pass all ordinances, which they shall deem necessary or expedient for the preservation of health and

suppression of disease in the city, and to carry into effect and execute the powers hereby granted.

SEC. 4. The owner, driver, conductor, or person in charge of any stage coach, railroad car or other public conveyance which shall enter the city having on board any person sick of malignant fever or pestilential or infectious disease, shall, within two hours after the arrival of such sick person, report in writing the fact, with the name of such person, and the house or place where he was put down in the city, to the mayor, or some member or officer of the board of health, and any and every neglect to comply with the provisions, or any of them, shall be a misdemeanor, punishable with fine and imprisonment.

SEC. 5. Any person who shall knowingly bring or procure, or cause to be brought into the city, any property of any kind, tainted or infected with any malignant fever or pestilential or infectious disease, shall be guilty of a misdemeanor, punishable by fine and imprisonment.

SEC. 6. Every keeper of an inn, or boarding house or lodging house, in the city, who shall have in his house at any time any sick traveler or stranger, shall report the fact and name of the person, in writing, within six hours after he came to board or was taken sick therein, to the mayor, or some officer or member of the board of health; every physician in the city shall report, under his hand to one of the officers aboved named, the name, residence and disease of every patient whom he shall have sick of any infectious or or pestilential disease, within six hours after he shall have visited such patient. A violation of either of the provisions of section four, five and six, or any part of either of them, shall be a misdemeanor, punishable by fine and imprisonment, the fine not to exceed one hundred dollars, nor the imprisonment six months.

SEC. 7. All fines imposed under this title, shall belong to the city, and when collected shall be paid into the treasury, and be devoted to the maintenance and support of the

pest-house, or of any hospital that may hereafter be established by the city.

SEC. 8. The common council shall have power to pass and enact such by-laws and ordinances as they from time to time shall deem necessary and proper for the filling up, draining, cleansing, cleaning and regulating any grounds, yards, basins, or cellars, within the said city, that shall be sunken, damp, foul, incumbered with filth and rubbish or unwholesome, and for filling, or altering and amending all sinks and privies within the said csty, and for directing the mode of constructing them in future, and to cause all such works as may be necessary for the purpose aforesaid and for the preservation of the public health and the cleanliness of the city, to be executed and done at the expense of the city corporation, on account of the persons respectively, upon whom the same may be assessed, and for that purpose cause the expenses thereof to be estimated, assessed and collected, and the lands charged therewith sold in case of non-payment, the same as is provided by law with respect to other public improvements within said city, and in all cases when the said by-laws or ordinances shall require anything to be done in respect to the property of several persons, the expenses thereof may be included in one assessment, and the several houses and lots in respect to which such assessment shall have been incurred, shall be briefly described in the manner required by law in the assessment roll for the general expenses of the city, and the sum of money assessed to each owner or occupant of any such house or lot, shall be the amount of money expended in making such improvement upon such premises, together with a ratable proportion of the expenses of assessing and collecting the money expended in making such improvements.

SEC. 9. Whenever, in the opinion of the cemmon council, any building, fence, or other erection of any kind, or any part thereof is liable to fall down, and persons or property may thereby be endangered, they may order any

owner or occupant of the premises on which said building, fence or other erection stands, to take down the same or any part thereof within a reasonable time, to be fixed by their order, or immediately, as the case may require, or may immediately, in case the order is not complied with, cause the same to be taken down at the expense of the city, on account of the owner of the premises, and assess the same on the land on which it stood. The order, if not immediate in its terms, may be served on any occupant of the premises, or be published in the city papers, as the common council shall direct.

SEC. 10. The said board of health shall have power to appoint one of their number a clerk, whose duty it shall be to attend the meetings thereof, and to keep a record of its proceedings, and such record, or a duly certified copy the same, or any part thereof, shall be *prima facie* evidence of the facts therein contained, in any court or before any officer.

SEC. 11. The members of the board of health shall receive such compensation for their services as may be allowed by the common council.

TITLE IX.

COURTS OF JUSTICE, FINES, PENALTIES AND LEGAL PROCEEDINGS.

SECTION 1. The justices of the peace in said city exercising civil jurisdiction, shall be deemed justices of the peace of the county of Washtenaw, and shall have all the powers and jurisdiction given by the general laws of the State in relation to civil and criminal cases before justices of the peace in townships, and appeals from their judgments and convictions may be made to the circuit court for the county of Washtenaw, in the same manner as appeals from justices' judgments and convictions in towns are made: *Provided*, That all actions within the jurisdiction

of justices of the peace may be commenced and prosecuted in said justices' courts, when the plaintiff or defendant, or one of the plaintiffs or defendants, resides in a township adjoining the township or city of Ann Arbor, or in the townships of York, Saline, Freedom or Lima.

SEC. 2. Any justice of the peace residing in said city of Ann Arbor, shall have full power and authority, and it is hereby made the duty of such justice upon complaint to him, in writing, to inquire into and hear, try and determine all offenses which shall be committed within said city against any of the by-laws or ordinances which shall be made by the common council in pursuance of the powers granted by this act, and to punish the offenders as by said by-laws or ordinances shall be prescribed or directed; to award all process, and take recognizance for the keeping of the peace, for the appearance of the person charged, and upon appeal, and to commit to prison as occasion may require.

SEC. 3. The corporation of the city of Ann Arbor shall be allowed to use the common jail of the county of Washtenaw for the imprisonment of all persons liable to imprisonment under the by-laws and ordinances [of] the common council, and all persons committed to jail by any justice of the peace for a violation of a by-law or ordinance of said common council, shall be in the custody of the sheriff of the county, who shall safely keep the person so committed until lawfully discharged, as in other cases. Whenever, by the terms of any ordinance of said city, it is provided that any person convicted of an offense shall be imprisoned, said person may be confined in the county jail of the county of Washtenaw, or in the house of correction in the city of Detroit, in the discretion of the court.

SEC. 4. Whenever any person shall be charged with having violated any ordinance of the common council, by which the offender is liable to imprisonment, any justice of the peace residing in said city, to whom complaint shall be made, in writing, and on oath, shall issue a warrant di-

rected "to the sheriff or any constable of the county of Washtenaw," commanding him forthwith to bring the body of such person before him, to be dealt with according to law; and the marshal or other officer to whom said warrant shall be delivered for service, is hereby required to execute the same, in any part of this State where such offender may be found, under the penalties which are by law incurred by sheriffs and other officers for neglecting or refusing to execute other criminal process.

SEC. 5. All process issued by any justice of the peace, to enforce or carry into effect any of the by-laws or ordinances of the common council, shall be directed "to the marshal of the city of Ann Arbor," or "to the sheriff or any constable of the county of Washtenaw," and such process may be executed by any of said officers anywhere within this State, and shall be returned the same as other similar process issued by justices of the peace. The expenses of apprehending, examining and committing offenders against any law of this State in the said city, and of their confinement, shall be audited and allowed and paid by the supervisors of the county of Washtenaw, in the same manner as if such expenses had been incurred in any town of said county.

SEC. 6. All actions against the city of Ann Arbor shall be commenced by summons, which shall be served upon the recorder at least six days before the return day thereof, by giving him a copy of said summons, with the name of the officer serving the same endorsed thereon, or in case of the absence of the recorder from the city: then by leaving such copy with the mayor endorsed as aforesaid: *Provided*, No suit shall be maintained against the city, until the claim whereon the same is founded shall have been presented to the common council of said city, at a regular meeting of the same, for allowance.

SEC. 7. In all suits in which the corporation of the city of Ann Arbor shall be a party, or shall be interested, no inhabitant of said city shall be deemed incompetent as

an officer, witness or juror, on account of his interest in the event of such suit or action: *Provided*, Such interest be such only as he has in common with the inhabitants of said city.

SEC. 8. In all trials before any justice of the peace of any person charged with a violation of any by-law or ordinance of the common council, either party shall be entitled to a jury of six persons; and all the proceedings for the summoning of such jury and in the trial of the cause, shall be in conformity, as near as may be, with the mode of proceeding in similar cases before justices of the peace; and in all cases, civil and criminal, the right of appeal from the justice's court to the circuit court for the county of Washtenaw, shall be allowed; and the person appealing shall enter into a recognizance conditioned to prosecute the appeal in the circuit court, and abide the order of the court therein, or such other recognizance as is or may be required by law in appeals from justices' courts in similar cases: *Provided*, If any judgment in any action shall be rendered against the city by any justice of the peace, such judgment may be removed by appeal to the circuit court in the county of Washtenaw, in the same manner and with the same effect as though the city were a natural person, except that no bond or recognizance to the adverse party shall be necessary to be executed by or on behalf of the said city.

SEC. 9. All fines imposed by any by-law or ordinance of the common council may be sued for by the attorney of the city, in the name of the corporation, before any justice of the peace of said city; and whenever any fine shall be imposed by any justice of the peace for a violation of any ordinance of the common council, it shall be the duty of the justice forthwith to issue execution to the marshal of the city, commanding him to collect of the goods and chattels of the person so offending the amount of such fine, with interest and costs, and for want of goods and chattels wherewith to satisfy the same, that he take the body of the

defendant and commit him to the common jail of the county, or to the house of correction in the city of Detroit, in the discretion of the court, to be safely kept by the officer in charge until said defendant be discharged by due course of law; and the defendant shall remain imprisoned until the execution, with all costs and charges thereon, shall be paid, or he be discharged by due course of law: *Provided*, That the common council may remit such fine, in whole or in part, if it shall be made to appear that the person so imprisoned is unable to pay the same.

SEC. 10. All fines, penalties or forfeitures recovered before any of said justices, for a violation of the by-laws or ordinances of said city, shall, when collected, be paid into the city treasury; and each of said justices shall report, on oath, to the common council, on the first Mondays of January, April, July, and September, during the term for which he shall perform the duties of such justice, the number and name of every person against whom judgment shall have been rendered for such fine, penalty, or forfeiture, and all moneys so received, or which may be in his hands, collected on such fine, penalty or forfeiture, shall be paid into said city treasury on the first Monday of the months above named, during the time such justice shall exercise the duties of said office, and for any neglect in this particular he may be suspended or removed, as hereinafter provided.

SEC. 11. Any justice of the peace of said city may be suspended or removed from his said office, by the circuit court for the county of Washtenaw, for neglect or refusal to pay over, as required by law, moneys by him collected for or on account of any fine, penalty or forfeiture, or the unfaithful or insufficient performance of his duties in relation to the internal police of the State, or for any official misconduct, on charges specifically preferred by said common council of said city, or any member or officer thereof, or by three electors of said city, founded on affidavit filed in said circuit court, specifically stating the charges com-

plained of, a copy whereof shall be served upon him at least ten days before presenting such charges to said court, and opportunity shall be given to him to be heard in his defense.

SEC. 12. All persons being habitual drunkards, destitute, and without any visible means of support, and who, being such habitual drunkards, shall abandon, neglect, or refuse to aid in the support of their families, being complained of by such families, all able-bodied and sturdy beggars who may apply for alms or solicit charity, all persons wandering abroad, lodging in watch-houses, outhouses, market-places, sheds, stables, or uninhabited dwellings, or in the open air, and not giving a good account of themselves, all common brawlers and disturbers of the public quiet, all persons wandering abroad and begging, or who go about from door to door, to place themselves in streets, highways, passages, or other public places, or beg or receive alms within the said city, shall be deemed vagrants, and may, upon conviction before any justice of the peace in said city, be sentenced to confinement in the county jail of said county, or in the house of correction in the city of Detroit, for any time not exceeding sixty days.

SEC. 13. All persons who shall have actually abandoned their wives or children in the city of Ann Arbor, or may neglect to provide, according to their means, for their wives or children, are hereby declared to be disorderly persons, within the meaning of chapter thirty-nine, of title nine, of the revised statutes of eighteen hundred and forty-six, and may be proceeded against as such, in the manner directed by said title; and it shall be the duty of the magistrate before whom any such person may be brought for examination, to judge and determine from the facts and circumstances of the case whether the conduct of said person amounts to such desertion or neglect to provide for his wife or children.

TITLE X.

SALARIES OF OFFICERS.

SECTION 1. The officers of said corporation shall be entitled to receive out of the city treasury the following sums in full payment of their services: The mayor shall be paid one dollar per annum; the aldermen shall be entitled to receive one dollar and fifty cents per day when employed in assisting the supervisor in taking the assessment; the recorder shall receive such sum as the common council shall allow, not exceeding three hundred dollars per annum; the city attorney and treasurer shall be entitled to receive, respectively, such sum as the common council shall allow, not exceeding one hundred dollars per annum: *Provided*, That the said treasurer shall be entitled to receive, in addition to such salary, the fees hereinbefore provided for collecting the taxes to be levied and collected in said city. The marshal shall be entitled to receive the same fees for serving process in behalf of the corporation as constables are by law allowed for similar services; and he shall also receive such further compensation, not exceeding one hundred dollars per annum, as the common council shall allow; the justices of the peace and the constables shall be allowed the same fees as are by law allowed to corresponding township officers; the street commissioners and supervisors, and all other officers of said city, shall be entitled to receive such compensation as the common council shall allow, not exceeding two dollars per day for every day actually employed in the performance of the duties of their respective offices.*

MISCELLANEOUS PROVISIONS.

SECTION 1. The mayor, or chairman of any committee or special committee of the common council, shall have power to administer any oath, or take any affidavit, in re-

* As amended by Act No. 217, S. L. 1873, page 127.

spect to any matter pending before the common council or such committee.

SEC. 2. Any person may be required to take any oath or affirmation, under or by virtue of any provision of this act, who shall, under such oath or affirmation, in any statement or affidavit, or otherwise, willfully swear falsely as to any material fact or matter, shall be deemed guilty of perjury.

SEC. 3. If any suit shall be commenced against any person elected or appointed under this act, to any office, for any act done or omitted to be done under such election or appointment, or against any person having done any thing or act by the command of any such officer, and if final judgment be rendered in such suit, whereby any such defendant shall be entitled to costs, he shall recover double costs, in the manner defined by law.

SEC. 4. The common council of said city is hereby authorized and required to perform the same duties in and for said city as are by law imposed upon the township boards of the several townships of this State, in relation to schools, school taxes, county and State taxes, and State, district and county elections; and the supervisors and assessors, justices of the peace and recorder, and all other officers of said city, who are required to perform the duties of township officers of this State, shall take the oath, give the bond, perform like duties, and receive the same pay and in the same manner, and be subject to the same liabilities, as provided for the corresponding township officers, excepting as is otherwise provided in this act, or as may be provided by the ordinances of the common council.

SEC. 5. The ordinances now in force in the city of Ann Arbor shall remain in force until repealed, altered or amended by the common council; and all property, rights, credits, and effects of every kind, belonging to either of the corporations known as the village of Ann Arbor or of the city of Ann Arbor, shall be and remain the property of the said city of Ann Arbor.

SEC. 6. All acts heretofore enacted in regard to the village of Ann Arbor, or the city of Ann Arbor, coming within the purview of this act, are hereby repealed: *Provided*, That the repealing of said acts aforesaid shall not affect any act already done, or any right acquired under, or proceeding had or commenced by virtue thereof, but the same shall remain as valid as if said acts remained in full force: *And provided further*, That all persons now holding office in the city of Ann Arbor, under the acts hereby repealed, shall continue to hold and exercise the duties of such offices during the term for which they were respectively elected, unless by change of boundaries they shall cease to reside in the ward or district for which they were elected.

SEC. 7. This act shall not be construed so as to change, alter or annul any act heretofore passed for the organization or government of school district number one, of the city and township of Ann Arbor.

SEC. 8. This act shall be deemed a public act, and shall be favorably construed in all courts.

SEC. 9. This act shall take effect and be in force from and after its passage.

AN ACT

TO RAISE MONEY FOR WATER-WORKS.

[No. 430, Session Laws, 1869.]

AN ACT to authorize the Mayor, Recorder, and Aldermen of the City of Ann Arbor to borrow money and issue bonds to aid in furnishing said city with water.

SECTION 1. *The People of the State of Michigan enact*, That the mayor, recorder and aldermen of the city of Ann Arbor, in the county of Washtenaw, are hereby authorized and empowered to borrow money, on the faith and credit of said city, and to issue bonds therefor to an amount not exceeding seventy-five thousand dollars, to be paid by said city, within a period not exceeding twenty years from the date thereof, and at a rate of interest not exceeding seven per cent. per annum; the said bonds, or the money realized from the sale thereof, to be used and applied to the purpose of furnishing the said city of Ann Arbor with water, and for no other purpose.

SEC. 2. The bonds hereby authorized to be issued by the mayor, recorder and aldermen of said city, for the purpose aforesaid, shall be coupon bonds, in denominations of not less than one hundred dollars, nor more than five hundred dollars each, and shall be signed by the mayor and countersigned by the recorder, and issued payable to the order of the person named therein, or to the bearer, in such sums, not exceeding in the aggregate seventy-five thousand dollars, payable at such times, not exceeding twenty years from the date thereof, and at such rate of interest, not exceeding seven per cent. per annum, payable annually or semi-annually, as the common council shall deter-

mine: *Provided*, That said mayor, recorder and aldermen aforesaid shall not be authorized and empowered to issue said coupon bonds, or any part or number thereof, unless a majority of the taxpaying electors of said city of Ann Arbor, present and voting, shall, as provided in section three, title five, of the charter of said city, first determine the sum of money that shall be raised for the purpose aforesaid, and bonds issued therefor.

SEC. 3. It shall be the duty of the common council of said city to provide, by tax, for the payment of the interest accruing on the bonds issued under the provisions of this act, as the same shall become due, which tax shall be in addition to the taxes which the said common council are now, or may be hereafter, authorized to levy and collect; and it shall be the duty of the said common council to provide for the payment of the principal of said bonds, at the maturity thereof, by tax upon the taxable property in said city of Ann Arbor, to be levied and collected in manner provided in the charter of said city.

SEC. 4. The common council shall have power to construct such water-works, or they may authorize the same to be constructed by a company, and to aid such company by issuing to such company the city bonds aforesaid; but in such case the bonds aforesaid shall not be issued to such company exceeding one-half the cost of such water-works at the time of such issue, the cost of the works to be ascertained by three commissioners appointed by the circuit court for Washtenaw county, upon petition presented by authority of said common council.

SEC. 5. Fifteen per cent. of the amount of aid granted to any company shall be retained until the works are put in successful operation, and until the common council are satisfied that the company have, in good faith, performed their contract.

Approved April 3, 1869.

RE-REGISTRATION ACT.

[No. 263, Session Laws 1875.]

AN ACT to provide for a re-registration of electors in the City of Ann Arbor.

SECTION 1. *The People of the State of Michigan enact*, That the board of registration of the city of Ann Arbor, as constituted by the provisions of "An act to further preserve the purity of elections and guard against the abuse of the elective franchise by a registration of electors," approved February fourteenth, eighteen hundred and fifty-nine, and by the provisions of the charter of said city, shall make a new and complete registration of the electors of said city, at sessions of said board, to be held in the several wards of said city, on the Monday, Tuesday and Wednesday next preceeding the annual charter election, to be held on the first Monday in April, eighteen hundred and seventy-five, and at such other times, not oftener than every eighth year, as the common council of said city may direct; for which purpose the several ward boards shall be and remain in session from nine o'clock in the forenoon to one o'clock in the afternoon, and from three o'clock in the afternoon until seven o'clock in the afternoon of each day before named. Notice of such sessions and re-registration shall be given, as provided in section two of the act above cited, and registration books of the form prescribed by statute, and now in use in said city, shall be provided under the direction of the common council. The rules and regulations prescribed in the act before cited shall be observed and carried out in making the re-registration hereby ordered, and when any registration

shall have been completed under the provisions of this act, the registry books prior thereto in use in said city shall be deemed invalid, and no person shall vote at any public election in any ward of said city, after such re-registration, whose name shall not be entered in the new register made under the provisions of this act, or be afterwards properly entered in such new register, according to the provisions of the act aforesaid and of this act.

SEC. 2. Sessions of the board of registration of said city shall be held in the several wards thereof on the Tuesday preceding each general election of State and county officers, for the purpose of registering new electors in the said ward registration books, in the manner prescribed in the aforesaid act, like notice to be given as provided by section six of said act, which sessions shall commence at nine o'clock in the forenoon and close at seven o'clock in the afternoon; and on the Wednesday preceding such general election, the said board of registration shall hold a session at the common council room in said city, from nine o'clock in the forenoon until four o'clock in the afternoon, for the purpose of comparing, revising, correcting and completing the several ward registration lists. At such session, the presence of one alderman from each ward shall be necessary to constitute a quorum. Applicants for registration, being duly qualified electors, may register at such session, and the names of electors who have removed or died since the preceding election shall be erased with red ink, with the remark "dead," or "removed," with the date of erasure. If the name of any elector shall be erased by mistake, such elector may be re-registered on the day of election, as provided by section eighteen of the act hereinbefore cited.

SEC. 3. Sessions of the board of registration shall be held in the several wards on the Wednesday preceding each charter or special election, for new registration and correction of the registry books, such sessions to be noticed

and conducted as provided by the act before cited, except that the erasure of the names of electors who have removed or died shall be made as provided in the preceding section. Such sessions shall commence at nine o'clock in the forenoon and close at seven o'clock in the afternoon.

SEC. 4. Whenever a new registration shall be ordered by the common council of said city, it shall be made in accordance with the provisions of the first section of this act.

SEC. 5. This act shall take immediate effect.

Approved March 12, 1875.

THE ORDINANCES

OF THE

CITY OF ANN ARBOR.

CHAPTER I.

OF STREETS.

AN ORDINANCE RELATIVE TO GRADING AND PAVING STREETS, LANES AND ALLEYS.

[Passed April 17, 1871.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. Whenever any of the streets, lanes and alleys of said city are graded or paved, it shall be of such materials as the common council of said city may direct.

SEC. 2. Whenever the common council of said city shall by resolution order any street, lane or alley to be graded or paved within the limits specified in any application made in writing of two-thirds of all the resident owners or occupants of the real estate which may be subject to pay the tax for such grading or paving, the funds necessary for defraying the expenses thereof shall be provided by causing an assessment to be made, by such person as the common council shall by resolution designate, on the lot, parts of lot, or parcel of real estate directly fronting on that part of the street, lane or alley directed to be graded or paved, ratably as hereinafter provided, according to their extent of front on said street, lane or alley. The

word "front" as used in this ordinance shall be construed to mean that part of the lot or parcel of real estate which directly abuts on that part of the street, lane or alley to be graded or paved.

SEC. 3. For the purpose of such assessment, the lots, parts of lots, and parcels of real estate fronting upon the portion of the street, lane or alley, within the limits specified in said application, which said common council may have ordered graded or paved, shall constitute one local assessment or taxing district.

SEC. 4. The person designated by the common council for making the assessment as provided in section two of this ordinance, shall, with all due diligence, ascertain from the best evidence in his power, all the necessary facts, and shall then make out an assessment roll describing therein by itself with sufficient accuracy each lot or portion of lot or real estate owned by any one person or company of persons fronting on the portion of the said street, lane or alley ordered by the common council to be graded or paved, and constituting a local assessment or taxing district, as aforesaid, and also stating the length of front of each lot, part of lot or parcel of real estate fronting on said street, lane or alley within the limits aforesaid, also stating the name of the owner or several owners of said lot, part of lot, or portion of real estate, and when he cannot ascertain the name of such owner or owners or either of them, he shall state such facts in said roll. Said roll shall also state the width of all intersecting streets, lanes or alleys which may be passed or crossed by such grading or paving. Said person, designated as above, shall also in as accurate a manner as possible ascertain and in said roll set forth in separate columns the space or number of yards or feet graded or to be graded, the space or number of square yards or feet to be paved, and the quantity of curbing to be placed in front of the lot or premises owned by any one person or set of persons; also stating the number of yards or feet graded or to be graded, the number of square yards

or feet to be paved and the quantity of curbing to be placed upon each of the spaces caused by the intersection of streets, lanes or alleys which may be passed or crossed by such grading or paving, and having made the apportionment as hereinafter provided, shall state the sum of money which such person or set of persons shall be assessed for said grading or paving, and also ten cents for each description to defray the expense of making such assessment, which said assessment roll shall be signed by the person making the same, and be presented to said common council within such time as the common council may direct.

SEC. 5. Whenever all the proceedings directed in sections two, three and four of this ordinance to be performed shall have been completed, "except having made the apportionment as hereinafter provided," and entering upon the assessment rolls "the sum of money which such person or set of persons shall be assessed for said grading or paving, and also ten cents for each description, to defray the expense of making such assessment," and "before said assessment roll shall be signed by the person making the same, and be presented to said common council," as provided in said section four, the common council shall by resolution direct the recorder to give notice by advertising in one or more newspapers published in said city, at least once in each week for two successive weeks, that sealed proposals will be received at his office during the time therein specified, for grading or paving such street, lane or alley, and furnishing materials therefor, including curbing, if any shall be required. Such notice shall state the points or termini between which such grading or paving is to be done, and that the same will be made according to the specifications in the hands of the recorder: *Provided*, That such specifications shall be made by some person duly authorized by resolution of said common council and be submitted to and be adopted by said common council at or before the meeting at which the recorder shall be directed to advertise as aforesaid. The proposals shall state the price

per yard or foot for furnishing all materials and grading, the price per yard or foot for furnishing all materials for curbing and placing it, the price per square yard or foot for furnishing all materials and paving such street, lane or alley in pursuance of such specifications, and the time within which such grading, curbing or paving shall be completed, and shall also state the name of some responsible person or persons as sureties therefor.

SEC. 6. The recorder shall deliver such sealed proposals to the common council at its first meeting after the time for receiving such proposals shall have expired, and it shall then open and determine which, if any of them, it will accept, unless the opening or determination thereof shall be postponed not to exceed thirty days, and after having accepted a proposal said common council may direct the recorder or other proper officer to prepare a written contract with the person or persons whose proposal shall have been accepted, with one or more sufficient sureties for the faithful performance thereof on the part of the person or persons making such contract, and said contract shall especially provide that said grading or paving shall be performed under the supervision of the street committee and to the satisfaction of the common council, and to be approved by it, and so that the surface of said street within the limits ordered to be graded or paved shall, when finished, agree and conform to the respective lines of grade established for said street by the common council, which contract shall be submitted to the common council at its next meeting, and shall, if approved, be a valid and binding contract, and if disapproved, it shall be void and of no effect whatever.

SEC. 7. Whenever the common council shall approve such contract the person designated in section two of this ordinance to make the assessment roll shall immediately complete said roll by computing the entire cost of the grading or paving of said street, lane or alley, including the spaces caused by the intersection of cross streets, lanes

or alleys, within said local assessment or taxing district, according to the conditions of said contract, and shall make an apportionment thereof, of the amount which each lot, part of lot, or portion of real estate fronting upon said street, lane or alley ordered to be graded or paved as aforesaid, shall be liable to pay for such grading or paving, ratably, according to the extent of front of each of such lot, part of lot, or portion of real estate within such assessment or taxing district, and shall state the sum apportioned to each, respectively, and in all respects complete said roll as provided in sections two, three and four of this ordinance.

SEC. 8. The recorder shall then make out a notice directed to the persons named in said assessment roll, and proposed to be assessed, notifying them that they are about to be assessed to defray the expense of grading or paving the street, lane or alley in front of and adjacent to certain premises owned by them in said city, and that a report or assessment roll made out in the premises is on file in the office of said recorder for inspection, and further notifying them of the time and place when the common council will meet and review said report or assessment, within thirty days after the date of said notice, and hear any objection which may be made thereto, which notice shall be published in all the newspapers printed in said city for at least two consecutive weeks. The common council shall at the time and place in said notice specified or at some session thereafter within the time above limited, take said assessment into consideration, and if no person appears to object to said roll and no good cause to the contrary appears, and an affidavit of publication of the requisite notice having been made by some one acquainted with the facts, said council shall, by a written resolution to be entered upon its journal, declare that it approves said report or assessment roll, that it receives as correct the description of the premises and the names of the individuals therein contained, and that the sum which said roll states to be the

correct one which each individual or set of individuals should be assessed at and pay, be the assessment and be collected from the respective persons liable according to law, and be a lien upon said separately described portions of real estate, but if any sufficient cause appears or is shown to said common council, it shall review said roll and make such assessment as may be just and right in the premises, and said common council may, if necessary, adjourn from one time to any reasonable times for the purpose of finishing said review of said assessment, and shall then approve said roll as hereinbefore provided. After the assessment roll shall have been fully and finally confirmed as provided herein, it shall be delivered to the treasurer of said city, who shall proceed in the collection of said assessment as hereinafter provided.*

SEC. 9. At the time of such delivery of said assessment roll to the treasurer, the recorder shall attach a warrant thereto, under the hands of the mayor and recorder, and the seal of said city, commanding him to collect from the several persons named in said roll the several sums mentioned opposite their respective names, in the same manner as is provided for the collection of state, county and township taxes, and with three per cent. charges, and make returns to the common council of his doings thereon within forty days: *Provided*, That immediately upon the receipt of said roll, such treasurer shall give notice by publication at least one week in all the newspapers published in said city that such assessment roll has been delivered to him, and that the taxes therein assessed can be paid to him at his office, in said city, at any time within fifteen days after the publication of such notice, without any charge or percentage for the collection thereof, and he shall cause affidavits of such publication to be filed in the office of the recorder. By virtue of said warrant such treasurer shall have the same power to levy and collect the said several

* As amended by Ordinance passed Dec. 6, 1875.

sums of money by distress and sale of the goods and chattels which township treasurers have under the laws to collect state, county and township taxes. It shall be the duty of the treasurer upon the receipt of such warrant with the assessment roll attached, to collect the taxes therein mentioned, as herein specified, with all reasonable diligence. If any such sums in such assessment rolls shall remain unpaid, and the treasurer shall not be able to collect the same within the time limited by such warrant, the same proceedings shall be had in every respect for the sale or leasing of the lands described in said assessment for the non-payment of the tax thereon, as is provided by section two of an ordinance of the city of Ann Arbor, being "an ordinance relative to repairing and renewing sidewalks," made and passed in common council the fourth day of May, A. D. 1868, in relation to the sale or leasing of lands for the non-payment of taxes therein mentioned, and the said lands may be redeemed in the same time, and shall bear the same rate of interest as in said section two provided, and in case of failure to redeem, the same proceedings shall be had for carrying any such sale into effect, as is likewise provided in said section two of said ordinance.*

SEC. 10. Whenever, by mistake or otherwise, any person may be improperly designated as the owner or occupant of any lot, part of lot, or portion of real estate, in proceeding under this ordinance, or any other ordinance of said city, relative to taxes or assessments, the tax or assessment shall not for such cause be vitiated, but the same shall be a lien on such lot or premises, and collected as in other cases.

SEC. 11. Any person or number of persons shall be allowed to grade and pave the street, lane or alley opposite to his, her or their property, where the same shall extend from the intersection of one cross street to the intersection of another: *Provided*, That the same shall be done

* As amended by Ordinance passed Dec. 6th, 1875.

in conformity with the regulations of the common council. The word "paving," as used in this ordinance, shall be held to include all necessary curbing, except where the word "curbing" is used.

SEC. 12. Any person or persons who shall in any manner be guilty of any injury to any paving within the limits of the city of Ann Arbor, by impairing, destroying or removing the same, or any part thereof, shall, on conviction thereof before any justice of the peace of said city, be punished by a fine, not exceeding fifty dollars and costs, and in the imposition of any such fine and costs, the said justice of the peace may make a further sentence, that, in default of the payment thereof within the time to be fixed in such sentence, the offender be committed to the county jail for any period of time not exceeding ninety days.

SEC. 13. The following or other sufficient forms shall be used in proceeding under the provisions of the ordinance:

Notice to Persons to be Assessed.

State of Michigan, City of Ann Arbor—ss. To [here insert the names of those to whom directed, and add:] or to any other person interested in the premises, within the limits hereinafter mentioned:

You are hereby notified that assessments are about to be made upon you to defray the expense of [grading or paving] in front of, or adjacent to, certain premises owned or occupied by you, respectively, on —— street, between ——, in the city of Ann Arbor, State of Michigan; and also that a report of assessment roll has been made in the premises, which is on file in the office of the recorder of said city, where it will remain open for your inspection until the —— day of ——, A. D. 18—, when the common council will meet and review said roll, and you may appear and show cause before said council, at its usual place of meeting in said city, on said day last mentioned, why the

said assessment should not be made and collected according to law.

By order of the common council.

————, Recorder.

Dated at the city of Ann Arbor, this —— day of ——, A. D. 18—.

After the time mentioned in the notice, and on filing an affidavit thereof, let a resolution of the following form be entered on the journal:

WHEREAS, It appears by affidavit on file, that due notice has been given to the owners and occupants of premises fronting on —— street, between ——, in the city of Ann Arbor, that the common council would, on the —— day of ——, A. D. 18—, meet and review the report or assessment roll filed by the recorder on the —— day of ——, A. D. 18—, for the purpose of —— in front of said premises; and

WHEREAS, No person has appeared before the common council to object to said assessment or the confirmation thereof [if there be any objection, say, after the word "Whereas": all objections thereto have been duly considered]; therefore,

Resolved, That said assessment roll is hereby approved and confirmed, that the description of premises and the names of persons contained therein are received as correct, and that the sums which the said assessment roll states to be correct ones which each individual or set of individuals should be assessed at and pay, be the assessment, and be collected from the respective persons liable to pay the same according to law, and be a lien upon said separately described portions of real estate.

Then let the recorder endorse on the roll the words: "Approved and confirmed by the common council, this —— day of ——, A. D. 18—."

SEC. 14. This ordinance shall take effect and be in force from and after its passage.

AN ORDINANCE FOR THE PROTECTION OF BRIDGES AND STREETS.

[Passed December 6, 1875.]

Be it Ordained by the Mayor, Recorder and Aldermen of the City of Ann Arbor:

SECTION 1. That there may be put up and continued in a conspicuous place, at each end of any bridge within the corporate limits of the city of Ann Arbor, maintained at public charge, and of which the chord shall not be less than twenty-five feet, a notice with the following words in large characters: "One dollar fine for riding or driving on this bridge faster than a walk"; and in case such bridge shall be over one hundred feet in length, or shall have a draw or turn-table therein, for the purpose of opening the same, such notice may be: "Five dollars fine for riding or driving on this bridge faster than a walk, or for driving on more than ten head of cattle at a time."

SEC. 2. That whoever shall ride or drive faster than a walk, or shall drive more than ten head of cattle at a time upon any such bridge, upon which such notice shall have been placed and shall there be, shall, on conviction thereof before any justice of the peace of said city, for each offense be liable to and pay a fine equal to the sum mentioned in such notice, and costs of prosecution, or, in default of the payment of such fine and costs, shall be imprisoned in the common jail of the county of Washtenaw for a period not exceeding ten days, in the discretion of the justice.

SEC. 3. That for any breach of the provisions of section two of this ordinance, committed in the presence of the marshal or any deputy marshal or constable of said city, it shall be the duty of such marshal, deputy marshal or constable, and he is hereby empowered, without further warrant or authority, to immediately arrest the person or persons offending, and without unreasonable delay to take such person or persons before a magistrate for trial.

SEC. 4. That any person who shall put up, erect or suspend, or cause or suffer to be put up, erected or sus-

pended, upon any lot or from any building owned or occupied by such person, without permission for that purpose first obtained from the mayor or one of the aldermen of said city, any sign, show board, show bill, flag, or display of any kind whatsoever, whether of wood, cloth, paper, or other material, which shall extend from the front of said building or lot more than three feet over any public street of said city of Ann Arbor, shall, on conviction thereof before any justice of the peace of said city, forfeit and pay for each offense a fine not exceeding twenty-five dollars, besides costs of prosecution, and also a penalty of five dollars for each and every hour each board, bill, sign, flag or display shall remain after notice from the marshal of said city to remove the same.

SEC. 5. That any person who shall place or post upon any bridge within the corporate limits of the city of Ann Arbor any handbills, advertisements or posters, shall pay a fine not exceeding five dollars for each offense, and costs of prosecution, on conviction before any justice of the peace of said city, and on default of payment shall be committed to the common jail of said county for a period not exceeding ten days.

SEC. 6. An ordinance entitled "An Ordinance for the Protection of Bridges and Streets," made and passed in common council December 14th, 1874, and an ordinance entitled "An Ordinance for the Protection of Bridges," made and passed in common council January 4th, 1875, are hereby repealed.

SEC. 7. This ordinance shall take effect from and after legal publication.

AN ORDINANCE RELATIVE TO REMOVING ENCROACHMENTS UPON STREETS, ALLEYS, AND SIDEWALKS.

[Passed August 2, 1875.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. That it shall be unlawful for any person or persons hereafter to erect, build, construct, continue or

maintain any stairs or stairway, or other structure which shall have its foundation upon any sidewalk in said city, or shall in anywise or to any extent encroach upon any public street, alley or sidewalk in said city.

SEC. 2. That when it shall be represented or made to appear to the common council that any of the foregoing provisions are being violated by any person or persons in any part of said city, it shall be the duty of the marshal, under the direction of said common council, to serve a notice in writing upon the owner or occupants of the building with which such stairs or stairway or other structure is connected, to remove such stairs or stairway or other structure within ten days after service of said notice, and if not removed in said time, it shall be the duty of the marshal to remove the same forthwith, and dispose of the material composing such stairs or stairway or structure as is provided in an ordinance entitled "An Ordinance Relative to Sidewalks."

SEC. 3. That in case said common council shall be of the opinion that the safety or convenience of the public requires the immediate removal of any such encroachment, said council may by resolution direct the marshal to proceed forthwith, and without notice, to remove the same, and it shall be the duty of the marshal thereupon to make such immediate removal, and he shall dispose of the material as is provided in section seven of an ordinance entitled "An Ordinance Relative to Sidewalks."

SEC. 4. This ordinance shall take immediate effect from and after its passage.

AN ORDINANCE TO PREVENT OBSTRUCTING STREETS.

[Passed June 4, 1855.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. That it shall not be lawful for any person to leave any horse, cart, wagon, carriage, sleigh, or other vehicle whatever, standing in any street within said city of

Ann Arbor, so as to obstruct the free passage of said street; nor shall any person run or race any horse, or drive any horse or horses, or any carriage or vehicle, at a faster rate than six miles per hour in any of the streets of said city. Any person offending against any of the provisions of this ordinance shall, upon conviction thereof, be fined not exceeding fifty dollars for each offense, or in default thereof, be imprisoned in the county jail not exceeding thirty days.

AN ORDINANCE FOR THE PROTECTION OF FRUIT, SHADE, AND ORNAMENTAL TREES.

[Passed January 28, 1876.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. Any person, owning or occupying land adjoining any street not less than three rods wide, may plant or set out trees on the side of said street contiguous to his land, which shall be set out in regular rows, at a distance of not less than six feet from each other, and ten feet from the margin of said street.

SEC. 2. No person, without the authority of the common council, shall cut down, destroy, deface or injure any tree that may have been heretofore planted, or shall be planted or set out, or which shall have been left standing, or may now be standing, in any street, lane, alley or public grounds in said city.

SEC. 3. It shall not be lawful for any person to hitch any horse, mare, mule, or other animal, to any fruit, shade or ornamental tree within the city of Ann Arbor.

SEC. 4. Any violation of the provisions of section two of this ordinance shall be punished by a fine, to be imposed by the justice of the peace trying the offender, of not less than twenty-five dollars, nor exceeding one hundred dollars, and in default of payment thereof, by imprisonment in the Washtenaw county jail, or in the Detroit house of correction, for any period of time not less than thirty days, nor more than ninety days.

SEC. 5. Any violation of section three of this ordinance shall be punished by a fine, to be imposed by the justice of the peace trying the offender, of not less than ten dollars, nor more than twenty dollars, and in default of payment thereof, by imprisonment in the Washtenaw county jail for a period of time not less than ten days, nor more than thirty days.

SEC. 6. An ordinance entitled "An Ordinance Relative to the Protection of Shade and Ornamental Trees," made and passed in common council May 28, A. D. 1855, is hereby repealed.

SEC. 7. This ordinance shall take effect from and after legal publication.

AN ORDINANCE AUTHORIZING THE REGENTS OF THE UNIVERSITY OF MICHIGAN TO LAY WATER PIPES OR MAINS IN THE STEETS, LANES, AND ALLEYS.

[Passed March 16, 1875.]

WHEREAS, The Regents of the University of Michigan have made application, by resolution, addressed to the common council of the city of Ann Arbor, for the privilege of laying down in the streets of said city water pipes, for the purpose of supplying said University with water; and whereas, it is by said council, after due consideration of such application, deemed expedient, rightful and proper to grant such privilege, under such reasonable reservations and restrictions as are hereinafter mentioned; therefore,

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor, in Common Council assembled:

That the Regents of the University of Michigan be, and they are hereby authorized, to lay down in, along and across the public streets, lanes and alleys of said city, all such water pipes or mains as may be necessary to properly supply the buildings and grounds belonging or appertaining to said University with water for protection against fire and for general use, and for that purpose to dig, trench and excavate in, along and across such public streets, lanes and

alleys: *Provided*, And this grant of authority is made, and is to be accepted, held and used only upon condition that the said Regents shall not unnecessarily or unreasonably obstruct or injure any street, sidewalk, crosswalk, lane or alley in trenching, digging or excavating for the purpose of laying water pipes or mains, and shall with reasonable diligence, and at their own charges, restore all such streets, sidewalks, crosswalks, lanes and alleys to as good a state of repair and condition as the same were in before disturbed by them, and shall at all times and in all respects fully indemnify and save harmless the city of Ann Arbor from and against all damages or costs which said city may incur or sustain by reason of any such trenching, digging, or excavating.

AN ORDINANCE TO PROHIBIT THE OBSTRUCTION OF STREETS BY RAILROAD CARS, RAILROAD TRAINS, AND LOCOMOTIVES.

[Passed July 3, 1882.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. That it shall be unlawful for any railroad company owning or operating a railroad running into or through the city of Ann Arbor, to leave any locomotive-engine, car or cars, or train of cars, or any portion of any train of cars, standing in, upon, or across any street of the city of Ann Arbor, for the space of more than five minutes at any one time, or to keep any such locomotive-engine, car or cars, or train of cars, running upon or across any street of said city of Ann Arbor, so as to obstruct the same, for a space of more than five minutes at any one time.

SEC. 2. Every railroad company running cars into or through said city, shall cause the bell of each locomotive-engine to be rung constantly while at or near the crossing of any street.

SEC. 3. Any railroad company, engineer, conductor, fireman, or other person, owning or having charge of any locomotive-engine, car or cars, or train of cars, who shall

violate any of the provisions of this ordinance, shall, on conviction thereof, be punished by a fine not exceeding one hundred dollars, to be recovered before any justice of the peace of the city of Ann Arbor; and in the imposition of any such fine, the justice of the peace may make a further order, that in default of the payment of said fine within the time to be fixed by the justice in his sentence, the offender shall be committed to the county jail of Washtenaw county for a period of time not exceeding sixty days.

CHAPTER II.

OF SIDEWALKS.

AN ORDINANCE RELATIVE TO SIDEWALKS.

[Passed June 17, 1851.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. The sidewalks in the several streets in the city of Ann Arbor shall be, and are hereby established of the following width, to wit: On the east and west sides of Main street, between Catherine and Williams streets; on the south side of Huron street, between Second street and Fifth street; and on the north side of Ann street, between Main street and Fourth street, the sidewalks shall be thirteen feet in width; and in all other streets in said city the sidewalks shall be twelve feet in width: *Provided*, That the common council may at any time, by resolution, order the sidewalks along any block or street in said city to be wider or narrower than above prescribed.*

SEC. 2. A space in front of the established line of all streets, not exceeding one-third the width of the sidewalk in such streets, as established by section one of this ordi-

* As amended by Ordinance passed June 5, 1882.

nance, shall be allowed for projections, and it shall not be lawful for any person to place or cause to be placed upon any sidewalk, lying outside the line allowed for projections as aforesaid, any box, barrel, article of merchandise, or other obstruction or incumbrance whatever, or suffer or permit any obstruction to a free passage over such sidewalk to exist, by leaving open any passage-way to cellars, or otherwise, excepting so far as the same may be necessary and unavoidable in transporting articles across the sidewalk.

SEC. 3. No person shall place, put up, erect or suspend, or suffer to remain placed, put up, erected or suspended, from any building or upon any lot within the limits of this city, any sign, show board or show bills which shall extend from the front of such building or lot over the sidewalk more than three feet, nor shall such sign or show board be less than eight feet in height above the sidewalk.

SEC. 4. All posts or railings put up in any street for the support of awnings, shall be placed on the established line between the sidewalk and street; nor shall any awning, or the rails or boards used for connecting the awning posts with the buildings, be less than eight feet in height above the sidewalk.

SEC. 5. And to the end that there shall be and remain a free passage for all persons over and across the sidewalks of the city, for at least two-thirds the established width thereof from the outer line of the street, free from all obstructions thereon, or passage-ways to cellars, or awnings or rails less than eight feet in height above the sidewalk, it shall be the duty of the marshal, upon knowledge or information that any of the sidewalks lying outside the line allowed for projections as aforesaid are in any manner obstructed or encumbered, to require the occupant or owner of the premises in front of which such obstruction or incumbrance exists, to remove the same; and if such occupant or owner shall neglect for the space of twenty-four

hours to comply with such requisition, the marshal shall forthwith cause such obstruction or incumbrance to be removed: *Provided*, That the provisions of this ordinance shall not be construed to apply to posts for awnings which are now standing, nor to shade trees or the boxes to protect them, nor to obstructions necessarily occasioned by the erection or repairing of buildings; but in such case no person shall obstruct more than one-half of the street and one half of the sidewalk opposite the premises occupied by such person, without leave first obtained from the common council.

SEC. 6. Excepting for the purpose of ingress and egress to and from yards, across sidewalks, no person shall drive, ride, or lead, or suffer to remain, any horse, cart, wagon, carriage, or team of any kind, upon any of the sidewalks within the city of Ann Arbor; nor shall he leave any horse, team or vehicle standing on any of the crosswalks in said city; nor shall he ride or propel any velocipede or bicycle upon any of the sidewalks of said city.*

SEC. 7. That whenever the marshal shall, by virtue of any ordinance, have removed any timber, wood, stone, or other incumbrance from any of the streets, lanes, alleys or sidewalks of said city, he shall immediately give notice to the owner thereof, if to be found, that he can have the same by paying the expense of removing, together with the legal charges therefor; and if no owner can be found, he shall put up a notice as near as may be to the place from whence said obstruction was removed, and if no claimant shall appear and pay said expenses within three days from the date of said notice, the marshal shall proceed to sell the same at public auction to the highest bidder, first giving four days' notice of said sale by posting up five or more written or printed notices in conspicuous places, and shall immediately make return of the sale, to

* As amended by Ordinance passed June 2, 1879.

the city treasurer, and pay the money over to him, taking duplicate receipts for the same, one of which he shall immediately file in the recorder's office.*

SEC. 8. Any person or persons who shall violate any of the provisions of this ordinance, shall, on conviction, be punished by a fine not exceeding twenty-five dollars, to be recovered before any justice of the peace of the city of Ann Arbor; and in the imposition of any such fine, the justice of the peace may make a further order, that, in default of the payment of said fine within the time to be fixed by the justice in his sentence, the offender shall be committed to the county jail of Washtenaw county for a period of time not exceeding thirty days.†

AN ORDINANCE RELATIVE TO SIDEWALKS.

[Passed May 2, 1881.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. Whenever the common council of the city of Ann Arbor shall determine that public convenience and necessity require that any sidewalk shall be constructed, repaired or renewed within the limits of said city, a resolution shall be passed by said council, directing that such sidewalk be graded, constructed, repaired or renewed, as may be deemed necessary or expedient, and prescribing the length and width thereof, and the material of which the same shall be made, together with such other directions for the construction, repairing or renewing thereof as may be deemed necessary, and further ordering and requiring the owner or owners of the lot or lots and premises adjacent to and abutting upon the line of said sidewalk, to grade and construct, repair or renew that part of such sidewalk adjacent to the lot or lots and premises

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* As amended by Ordinance passed June 3, 1861.

† As amended by Ordinance passed June 2, 1879.

owned by them respectively, of the width and material and in the manner prescribed in such resolution, within thirty days after service of a notice of the passage of such resolution and a copy of the same.

SEC. 2. The chairman of the sidewalk committee, or such other person as may have supervision of the sidewalks of said city, shall cause a written notice of the passage of such resolution to be served upon the owners of lots abutting upon such sidewalk. Such notice shall set forth a copy of the resolution directing such sidewalk to be graded, constructed, repaired or renewed, and the date of its adoption, and shall notify the person or persons to whom it is directed, to grade, construct, repair or renew the sidewalk according to the requirements of such resolution, and that if such sidewalk shall not be completed within thirty days after service of said notice, the same will then be graded, constructed, repaired or renewed by the chairman of the sidewalk committee, or by such other person therein named as shall have been designated by the said common council, and that the expense thereof shall be deemed a special assessment upon such lot or premises, and shall be added to the amount of the general city tax on such lot or premises. Said notice shall be served by the city marshal or by one of his deputies, by delivering a copy thereof to each of the owners of the lots or premises abutting on such sidewalk, and if such owner or owners can not be found within said city, then a copy of such notice shall be left with the occupant of such lot or premises, or with some member of his family of suitable age and discretion; and if any of such lots or premises shall be unoccupied, and the owner thereof can not be found in said city, then said notice shall be served by posting a copy thereof in some conspicuous place on such lot or premises.

SEC. 3. On the expiration of thirty days after the time of service of said notice, the chairman of the sidewalk committee shall, with all due diligence, grade, con-

struct, repair or renew such portions of said sidewalk as have not been graded, constructed, repaired or renewed in accordance with said resolution and notice; and upon the completion of such work he shall make a report, in writing, to the common council of said city, giving the description of each lot or premises in front of which such sidewalk was laid or repaired, and the name of the owner and occupant thereof, and the cost of grading, constructing, repairing or renewing such sidewalk in front of each one of such lots or premises.

SEC. 4. The common council of said city shall direct the cost of grading, constructing, repairing or renewing such sidewalk, to be paid out of the general fund, and shall, by resolution, charge and assess to each of said lots and premises the cost of grading, constructing, repairing or renewing so much of said sidewalk as is adjacent to and in front of said lot and premises.

SEC. 5. On or before the second Monday of November of each year the city recorder shall make a report and certificate to the supervisor of the district in which the lot or lots and premises adjacent to which said sidewalks shall have been constructed, repaired or renewed, are located, setting forth a description of said lot or lots and premises, together with the name of the owner or owners and occupants, if known, and further showing the amount assessed to each of said lots and premises, which certificate shall notify and require said supervisor to levy the several sums so assessed by tax upon the lot or lots and premises to which they are respectively assessed, and add the same to his district tax roll for that year, unless otherwise directed by the common council.

SEC. 6. Upon receiving said certificate, the said supervisor shall levy the sums therein mentioned upon the lot or lots and premises to which they are respectively charged and assessed, by adding such sums to the general city tax to be levied on such lot or lots and premises, against the owner or owners thereof, in his district tax roll for the cur-

rent year; and thereupon the amount so added shall be collected and enforced with and in the same manner as the tax to which it is added, and when collected shall be paid into the city treasury to the credit of the general fund.

SEC. 7. In case the tax assessed on any such lot or lots and premises charged with the expense of grading, constructing, repairing or renewing sidewalks as provided by this ordinance, shall not be paid or collected, and any such lot or lots and premises shall be returned for non-payment of such tax by the city treasurer, such lot or lots and premises, unless sooner redeemed, shall be sold therefor by the county treasurer at the annual sale of lands for delinquent taxes, and in the same manner as for other taxes as provided by law.

SEC. 8. No new sidewalk shall be constructed unless upon the application in writing of a majority of all the owners or occupants of the real estate which may be subject to assessment for such sidewalk.

SEC. 9. Chapter three of the revised ordinances of 1876, of the city of Ann Arbor, entitled "An Ordinance Relative to Improving Sidewalks," and all amendments thereto, and an ordinance entitled "An Ordinance Relative to Repairing and Renewing of Sidewalks," passed September 4th, 1876, and an ordinance entitled "An Ordinance Relative to Sidewalks," passed July 14th, 1879, are hereby repealed.

AN ORDINANCE RELATIVE TO SIDEWALKS AND CROSSWALKS.

[Passed January 2, 1872.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. No person shall permit any snow or ice to remain on the sidewalk in front of any house, building or lot occupied by him or her, or on the sidewalk in front of any unoccupied house, building or lot owned by him or her, within said city, longer than twenty-four hours after

the same has fallen or formed; and where ice is formed on any sidewalk, such owner or occupant, as above provided, shall, within four hours after the same has formed, cause salt, sand or ashes to be strewn thereon.

SEC. 2. No person shall halt any horse, wagon, cart, carriage, sleigh, or other vehicle on any crosswalk or footing within the limits of said city of Ann Arbor.

SEC. 3. Any violation of, or failure to comply with, the provisions of this ordinance, shall be punished by a fine not less than five dollars, nor to exceed fifty dollars, and costs, to be recovered before any justice of the peace of said city; and in the imposition of any such fine and costs, the said justice of the peace may make a further sentence, that, in default in the payment thereof within the time fixed in such sentence, the offender be committed to the Detroit house of correction or to the Washtenaw county jail for a period of time not exceeding ninety days.

SEC. 4. This ordinance shall take effect from and after its passage.

CHAPTER III.

OF THE FIRE DEPARTMENT.

AN ORDINANCE RELATIVE TO THE FIRE DEPARTMENT OF THE CITY OF ANN ARBOR.

[Passed June 17, 1851.]

Be it Ordained by the Mayor, Recorder and Aldermen of the City of Ann Arbor:

SECTION 1. The fire department of the city of Ann Arbor shall consist of a chief engineer, two assistant engineers, two fire wardens in each ward, and so many fire engine, hook and ladder, hose and bucket companies as the common council shall from time to time direct. The chief and assistant engineers and fire wardens shall be appointed

by the common council annually in the month of May, or as soon thereafter as may be, and shall hold their offices until the first day of May next ensuing their election, and until their successors are appointed.

SEC. 2. The chief engineer shall have full power, control and command over all persons whatever, at any fire, except members of the common council; and in his absence the assistant engineers shall perform his duties. In the absence of the chief and assistant engineers from any fire, the mayor, and in his absence, the recorder shall discharge the duties of chief engineer until the proper officer shall arrive and assume the command.

SEC. 3. It shall be the duty of the chief engineer at all fires, to direct such measures as he may deem most proper for the speedy extinguishment of the fire. He shall also have the general supervision of the fire engines and other apparatus and property belonging to the fire department, and shall from time to time ascertain and report to the common council the repairs necessary to be made to keep the engines, hose, apparatus and property of the fire department in good repair and serviceable order. He shall also, as often as once in six months, report to the common council all accidents by fire that may happen in the city, with the cause thereof as near as can be ascertained, with the number and description of buildings destroyed or injured, and the names of the owners or occupants thereof, and the estimated loss of property at each fire.

SEC. 4. At every fire each fire warden shall report himself to the chief engineer or other officer in command, and shall be subject to his orders. It shall be the duty of the fire wardens at every fire to protect the hose, buckets and other property of the fire department from injury; to keep all idle and suspected persons from the fire and its vicinity; to form lines for the conveyance of water to the engines, and for that purpose they shall have authority to command all persons present to form lines or otherwise aid in supplying the engine with water; and if any person

shall refuse to obey such order of the wardens, he may be immediately expelled from the vicinity of the fire.

SEC. 5. Any person who shall at any fire wilfully resist, hinder or obstruct any officer or other person in the discharge of his duty at such fire, or who shall wilfully injure any hose ot apparatus belonging to the fire department, may be arrested and detained in custody by any fire warden until such fire is extinguished; and such person shall, for every offense, forfeit and pay a fine of ten dollars, and be liable to an action for the recovery of damages.

SEC. 6. The aldermen of said city shall ex-officio be fire wardens, and any member of the common council may, at all fires exercise the same power and authority as is conferred upon fire wardens by sections four and five of this ordinance.

SEC. 7. The officers of any fire or hose company authorized by the common council shall consist of a foreman, first and second assistant foreman four wardens, a secretary, treasurer, and steward, and not less than fifty nor more than eighty men, and such other officers as the members thereof may see fit to elect. The members of said company shall elect their own officers at such time and in such manner as they shall think proper. They may adopt a constitution and pass by-laws for the government of the company, subject to the approval of the common council, and may impose and collect such fines for the non-attendance or neglect of duty of any member of the company as they may deem necessary and proper.

SEC. 8. It shall be the duty of every member of any fire company which is or may be formed in said city, upon the breaking out of any fire in said city, to repair immediately upon the alarm thereof to their respective fire apparatus, and convey the same to the place where such fire shall happen, and under the direction of the chief engineer and their several officers to work and manage

their engines and apparatus belonging thereto, for the extinguishment of the fire, and not remove therefrom but by the direction of the chief engineer, or other officer authorized to direct them, which direction being obtained they shall return with their engines and implements to their several places of deposit, and as soon thereafter as may be, wash and clean the same.

SEC. 9. It shall be the duty of the foreman of every company belonging to the fire department to return to the common council the names of all the persons composing such company, stating the times when they severally became such members; and when any person shall for any reason have ceased to be a member, the foreman shall certify that fact to the common council, and any person whose name shall be returned by the foreman as a member of any company may apply to the recorder annually and obtain a certificate of his membership, which shall for one year thereafter be *prima facie* evidence of his membership, and shall exempt him from service on juries, from military duty in time of peace, and from the payment of a poll tax.

SEC. 10. It shall be lawful for the chief engineer, or assistant engineers, or the foreman or assistant foreman, or any fire warden or member of the common council to require the aid of any inhabitant of said city in drawing any fire engine or other apparatus of the fire department to any fire, or to require the aid of any bystander at the fire to work any engine or apparatus at the same, and on neglect or refusal to comply with such requisition, without sufficient excuse, such person may be forthwith removed from the vicinity of the fire, or he may be arrested and detained in custody until the fire shall have been extinguished, and shall be liable to a penalty not exceeding ten dollars.

SEC. 11. The marshal, deputy marshal, and every constable in said city shall repair immediately on the alarm of fire to the place where such fire may be, and report himself to any member of the common council, and aid and assist as well in extinguishing the fire as in preventing any

goods or property from being stolen or injured, and in protecting, removing, and securing the same; they shall also aid in the preservation of the public peace, and the arrest or removal of all idle and suspected persons; and if the marshal or any constable shall neglect or refuse to obey any lawful order of any member of the common council, or the chief engineer, or any other officer authorized to direct at any fire, he shall pay a fine not exceeding twenty dollars.

SEC. 12. Any hook and ladder company, or any persons present at a fire shall, under the direction of the chief engineer and two members of the common council, or in the absence of the chief engineer, then under the direction of the assistant engineers and two members of the common council, or in the absence of the chief and assistant engineers, then under the direction of three members of the common council and of the foreman of a fire company, cut or pull down or remove any building, fence, or other erection, for the purpose of checking the progress of the fire.

AN ORDINANCE RELATIVE TO THE PREVENTION OF FIRES.

[Passed June 17, 1851.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. That the fire wardens of the respective wards shall shall examine into and correct any infraction of the ordinances made for the protection of the city from fires in their respective wards particularly, and the city generally, and shall make reports to the common council respecting danger from exposure to fires on the first Mondays in June and December in each year; and any neglect of such duty shall subject the fire warden to a fine of five dollars and to removal from office.

SEC. 2. It shall be the duty of the fire wardens or any two of them, twice in each year, in the months of May and

November, and as much oftener as they may deem proper, between sunrise and sunset, to enter into any house or building, yard or premises in the city, and examine the fire-places, chimneys, stoves and pipes thereto, and other apparatus likely to cause fires; also places where ashes, hay, straw, shavings, or other combustible materials may be lodged, and to give such directions in regard thereto to the owner or occupant of such premises, either for the removal, alteration or better care and management thereof, as they may deem necessary to protect the city from fire; and such direction shall be complied with by the person or persons to whom they shall be given, and at the expense of such owner or occupant.

SEC. 3. The said wardens shall have authority to cause chimneys to be burned out or otherwise cleaned, whenever they shall think it necessary; to require chimneys in blacksmiths' shops and furnaces to be so constructed or altered as to prevent sparks from exposing buildings to fire, and to remove or abate, with the consent of the mayor, recorder, or any alderman (if the owner or occupant shall neglect to do so), any cause from which immediate danger from fire may be apprehended, at the expense of the person or persons occasioning the same.

SEC. 4. No stove-pipe shall be put up or kept up in any building in said city unless it pass into into a chimney made of brick or stone; nor shall any person at any time set fire to any chimney for the purpose of cleaning the same, without previous consent of the fire warden of the proper ward; and every person violating the provisions of this section shall forfeit for every every offense three dollars, and the further sum of one dollar for every twenty-four hours any such stove-pipe shall remain so put up after notice of any fire warden to alter the same.

SEC. 5. Every chimney hereafter to be erected in said city shall be plastered with lime mortar on the inside thereof, under a penalty of twenty dollars, and a further penalty of five dollars for every ten days neglect to take down

or alter the same after notice given by a fire warden for that purpose. It shall be the duty of the fire wardens to examine all chimneys when the same are being constructed, and if they are not in conformity with the requirements of this section, to make report thereof to the common council.

SEC. 6. It shall not be lawful for any person to keep, within the limits of this city, at any one time, in any one building and its appurtenances, a greater quantity of gunpowder than twenty-eight pounds, the same to be well secured in metal canisters with metal stoppers or covers, neither of which shall contain more than seven pounds of powder; and it shall be lawful for any member of the common council, the chief engineer, or fire warden, to seize any powder kept contrary to the provisions of this section and convert the same as forfeited to the use of the fire department; and every person so offending shall forfeit the powder so unlawfully kept, and shall also forfeit and pay the sum of one dollar for every pound of powder so kept contrary to the true intent and meaning of this section, to be recovered with costs of suit: *Provided*, That the common council may authorize any person to keep a quantity of gunpowder not exceeding two hundred pounds weight, at any one place in said city, with such protection against fire as they shall think proper.

SEC. 7. No person shall fire or set off any squib, cracker, gunpowder or fire-works, or fire any gun or other species of fire-arms, except cannon, within the limits of this city, unless by the written permission of the mayor or two aldermen; which permission shall limit the time of such firing, and shall be subject to be revoked at any time by the common council. And any person violating any provisions of this section shall forfeit and pay a penalty not exceeding five for each offense.*

SEC. 8. Every person who shall fire a cannon within the limits of said city of Ann Arbor, and every person

* As amended by Ordinance passed July 2, 1860.

who shall aid or assist in the firing or causing to be fired any cannon within said city limits, and every person accessory before the fact to the firing of any cannon within said limits, shall forfeit and pay a fine of one hundred dollars, or be imprisoned in the common jail for the County of Washtenaw for the term of thirty days, or shall be punished by both fine and imprisonment; and in case of prosecution under this section, half of the fine collected of any such person shall be paid to the informer, who shall make complaint and institute such prosecution.*

SEC. 9. It shall not be lawful for any person hereafter, without permission of the common council, to erect or place any building or part of a building on any part of a block fronting or cornering on the Court House square, nor on any lot fronting on Main street, or Detroit street, between North street and the Michigan Central railroad, in this city, unless such building or part of a building shall be constructed of stone or brick, with party or fire walls of the same material rising at least ten inches above the roof, if the same be covered with metal or slate, and if covered with wood, then at least two feet: *Provided*, That nothing contained in this section shall be construed as prohibiting the erection within the limits aforesaid, of any building of wood which shall not be more than eight feet square, nor of any woodhouse for keeping and storing wood, which shall not exceed twenty feet in length, twelve feet in height, and twelve feet in width, nor of any barn which shall not exceed twenty-four feet in length, sixteen feet in width, and twelve feet in height from the common surface of the ground to the top of the plates, with roofs not to exceed one-quarter pitch, but such small building, woodhouse or barn shall not be made to front on any street nor be less than thirty feet from the line thereof, *except with the consent of the council* (nor shall more than one such

* As amended by Ordinance passed July 2, 1866.

woodhouse or barn be allowed *without such consent* on any one lot or premises occupied as one tenement). No barn, privy, hog-pen, slaughter-house, or any other building which shall be used or occupied for any purpose liable to prove detrimental to the public health, or a nuisance to the adjoining occupant or to the public shall be built fronting on any of the public streets of said city, nor within thirty feet from the line thereof.*

SEC. 10. If any person shall erect or put up any building within the limits specified in section nine of this ordinance contrary to the provisions thereof, the owner or owners, builder or builders thereof, shall severally forfeit and pay a penalty, not exceeding fifty dollars for each offense, and also a penalty of twenty dollars for each and every week such building shall remain after notice from any member of the common council or fire warden to remove or alter the same.

SEC. 11. †

AN ORDINANCE SUPPLEMENTARY TO AN ORDINANCE RELATIVE TO THE PREVENTION OF FIRES.

[Passed November 20, 1865.]

Be it Ordained by the Mayor, Recorder and Aldermen of the City of Ann Arbor:

SECTION 1. That all the provisions of sections nine and ten of an ordinance entitled, "An ordinance relative to the prevention of fires," be, and the same are made to extend and apply to all lots or parts of lots fronting on Detroit street, between North street and the Michigan Central railroad, in said city of Ann Arbor.

SEC. 2. It shall not be lawful for any person hereafter to erect or place any blacksmith shop or other building, which shall be used or intended to be used for any purpose of a character to occasion extraordinary danger or hazard

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* As amended by Ordinance passed Oct. 10, 1871.

† Repealed by Ordinance passed July 11, 1879.

to adjacent owners or occupants by reason of fire, on any lot fronting or cornering on the Court House square, or fronting on either Huron street, Main street or Detroit street, in said city, cornering or fronting on or toward said square, or fronting on or towards either of said streets, or if made to front on any other street, within fifty feet of the corner of such other street and either of the aforesaid streets, or in any manner to construct or place any such shop or building that the direct or main entrance thereunto shall be made or had from said square or from either of said streets.

SEC. 3. If any person shall erect or cause to be erected any building contrary to the provisions of the last preceding section, the owner or owners, builder or builders thereof, shall severally forfeit and pay a penalty, not exceeding fifty dollars for each offense, and also a penalty of twenty dollars for each and every week such building shall remain after notice from any member of the common council or the fire warden of said city, to remove or change the location of the same.

AN ORDINANCE AMENDATORY OF AN ORDINANCE RELATIVE TO THE PREVENTION OF FIRES.

[Passed October 24, 1870.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. It shall be the duty of the common council forthwith, and hereafter at the first regular meeting after the annual charter election, in April of each year, to elect, by ballot, two members of the common council who with the chief engineer of the fire department shall constitute a board of inspectors of steam engines, whose term of office shall expire on the election of their successors.

SEC. 2. It shall be the duty of such board of inspectors to superintend the erection and arrangement of all steam engines with the limits of the city of Ann Arbor,

to give such directions for the protection of the city from fire as they may deem necessary, and to determine the kind of buildings in which such engines may be placed, and to regulate all the appurtenances therewith in anywise belonging.

SEC. 3. It shall be the duty of such board of inspectors, whenever directed by the common council, forthwith to inspect and examine any steam engine or engines within the limits of the city of Ann Arbor, and to direct such alterations or improvements in the arrangement or manner of running the same to be made by the owner or proprietor thereof, as they shall deem proper for the better protection against fire, and such alteration or improvement shall be made within ten days after notice either upon the owner or proprietor, and at the expense of the party owning the same.

SEC. 4. It shall be unlawful hereafter for any person to erect within the limits of the city of Ann Arbor any steam engine, until application, in writing, has been made to the common council of said city, and their consent thereto obtained. If such consent shall be obtained, such steam engine shall be erected under the superintendence of such board of inspectors, and under such restrictions and upon such conditions as either the common council or the board of inspectors may impose.

SEC. 5. Any person or persons who shall use any steam engine, or allow the same to be used, contrary to the provisions of section two of this ordinance, or who shall erect any steam engine, in violation of section four of this ordinance, shall, upon conviction, be punished by a fine, not exceeding one hundred dollars and all costs of prosecution.

AN ORDINANCE RELATIVE TO SMOKE-STACKS.

[Passed December 28, 1872.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. That no person shall use or permit to be used within the corporate limits of the city of Ann Arbor,

any smoke-stack or chimney of a steam engine, without having attached to the top thereof suitable screens or spark-catchers, to prevent sparks from issuing therefrom.

SEC. 2. Any violation of this ordinance shall be punished by a fine of not less than ten dollars, nor exceeding one hundred dollars.

SEC. 3. This ordinance shall be published for two weeks successively in the *Peninsular Courier and Family Visitant*, a newspaper published in said city of Ann Arbor, and shall take effect at the expiration of fifteen days after the first insertion in said paper.

CHAPTER IV.

OF THE POLICE, PUBLIC PEACE, AND GOOD ORDER.

AN ORDINANCE TO ORGANIZE AND REGULATE A POLICE OF THE CITY OF ANN ARBOR.

[Passed February 5, 1872.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. That a police of the city of Ann Arbor is hereby organized, to consist of the marshal of said city, who shall be the chief of police, and such number of policemen as the common council shall from time to time by resolution determine.

SEC. 2. The policemen shall be appointed by the marshal of said city, by and with the advice and consent of the common council.

SEC. 3. Any policeman may be suspended from duty or removed from office by the common council at any time when in their opinion there shall be reasonable cause therefor.

SEC. 4. It shall be the duty of all persons in said city, when called upon by any member of the police, promptly

to aid and assist him in the execution of his duties; and if any person shall neglect or refuse to give such aid or assistance, or if any person shall resist or in any manner interfere with any policeman in the performance of his duty, such person on conviction thereof, before any justice of the peace of said city, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the Washtenaw county jail or the Detroit house of correction for a term not exceeding ninety days.

SEC. 5. It shall be the duty of the chief of police, by and with the advice and consent of the mayor, in case of emergency, alarm, or public danger, and whenever in their opinion the public good shall so require, to appoint such number of special policemen for temporary duty as they shall deem expedient.

SEC. 6. Every person arrested during the day time by any member of the police, shall, if practicable, be taken forthwith before one of the justices of the peace of said city to be dealt with as the laws of the State or the ordinances of said city may require, but if it shall not be practicable to take such person immediately before a justice of the peace as aforesaid, or if such arrest shall be made in the night time or on Sunday, the person so arrested shall be lodged in the Washtenaw county jail, and notice thereof shall be given immediately by the party making the arrest to the chief of police, and it shall be the duty of the chief of police, or in case of his absence it shall be the duty of the policeman making the arrest, to take the person so arrested, within a reasonable time before one of the justices of said city to be dealt with as aforesaid.

SEC. 7. It shall be the duty of the chief of police to see that the laws of the State and the ordinances of said city and the rules and regulations of the common council are duly enforced throughout the city, and he shall keep the city attorney and prosecuting officers of the county informed of all matters that pertain to their several offices

relating to the police or interests of the city, or to any breach of the laws or ordinances.

SEC. 8. The chief of police shall have power to promulgate such orders to the policemen as he may deem proper, and it shall be the duty of the policemen to render to him and his orders implicit obedience, but such orders shall be in writing and in conformity to the law and to the rules and regulations of the common council.

SEC. 9. Any member of the police of the city of Ann Arbor for intoxication, wilful disobedience of orders, indecent, profane, or harsh language or conduct, disrespect to a superior, unnecessary violence to any prisoner or citizen, neglect in paying his just debts for rent or necessaries, or any breach of the rules and regulations prescribed by the common council for the government of the police of the city of Ann Arbor, shall be subject to reprimand, suspension, reduction from his pay or dismissal, according to the nature or aggravation of his offense.

SEC. 10. This ordinance shall take immediate effect.

AN ORDINANCE RELATIVE TO THE PUNISHMENT OF IDLE AND DISORDERLY PERSONS.

[Passed June 24, 1851.[

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. That any person or person who may commit a breach or disturbance or the public peace, or shall by noise otherwise, disturb any meeting within said city of Ann Arbor, shall, on conviction thereof before any justice of the peace in said city, be punished by a fine, not exceeding twenty dollars and costs of prosecution, and may be imprisoned, not exceeding ten days, or both, at the discretion of said justice.

SEC. 2. Any vagrant, lewd, idle or disorderly person, or any person intoxicated or drunk with liquors of any kind, common night-walkers, pilferers, or any person wan-

ton, lascivious, obscene or vulgar of speech, conduct or behavior, common, railers or brawlers, shall, upon conviction before any justice of the peace, be punished by fine, not exceeding twenty-five dollars and costs of suit, or be imprisoned, not exceediug thirty days, or both, at the discretion of the justice.*

SEC. 3. It shall be the duty of the marshal to arrest all persons who may be found intoxicated within this city, and all persons offending under this act, and without unreasonable delay, bring him, her, or them before a justice of the peace in said city for trial, and if in the opinion of said justice, any person brought before him is unfit, by reason of intoxication, to be tried immediately, it shall be his duty to order such person to be committed to the county jail for such time as he may judge necessary, not exceeding forty-eight hours, previous to trial.

AN ORDINANCE RELATIVE TO BREACHES OF THE PEACE AND DISORDERLY CONDUCT.

[Passed August 4, 1856.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. Any person who may hereafter be found lurking, lying in wait or concealed in any house or other building, or any yard or premises within the limits of the city of Ann Arbor, with intent to do any mischief, or to pilfer, or commit any crime or misdemeanor whatever, shall, for every such offense, on conviction thereof, be punished by a fine, not exceeding one hundred dollars, or imprisonment in the county jail, not exceeding thirty days, or both, at the discretion of the court, and may, moreover, be held to bail for good behavior.

SEC. 2. Any person who shall make, aid, countenance or assist in making, any noise, riot, disturbance, charivari,

* As amended by Ordinance passed June 4, 1855.

by blowing horns, ringing bells, or other improper diversion or noise, or who shall be guilty of any indecent, immoral or insulting conduct, language or behavior in the streets or elsewhere in said city, and all persons who shall collect in bodies or crowds in said city for unlawful purposes, to the annoyance or disturbance of the citizens or travelers, or so as to impede the free passage of any street or sidewalk in said city, shall for each offense, on conviction thereof, be liable to the punishment mentioned in the foregoing section.

SEC. 3. Any person or persons who shall, within the limits of said city, keep a disorderly or ill-governed house or place, or a house or place for the resort of persons of evil name or fame, or of dishonest conversation, or who shall procure, or suffer to come together at such house or place, persons of evil name or fame, or who shall commit or suffer to be committed therein, any immoral, indecent, or improper conduct or behavior; or any tippling, reveling, prostitution, rioting or disturbance, every person or persons so offending, or who shall aid or assist in any manner, in offending in the premises, shall, on conviction thereof, be liable to the punishment mentioned in the first section of this ordinance.

SEC. 4. No person shall raise or fly any kite in any of the streets of lanes or alleys, or within the limits of the city of Ann Arbor, under a penalty for each offense not exceeding twenty dollars, or confinement in the county jail, not exceeding ten days, and costs of prosecution.

SEC. 5. No person or persons shall, unless especially authorized by the common council, dig, remove or carry away any earth, loam, sand, gravel or sod, from any of the streets, lanes or alleys, or public grounds, within the limits of the said city, under a penalty for each offense, not exceeding fifty dollars and costs of prosecution.

SEC. 6. It shall not be lawful for any person to leave any cart, wagon, carriage or sleigh, wood, timber, or any other incumbrance or obstruction in any of the streets,

lanes or alleys of said city during the night season; and any person offending herein, on conviction, shall pay a fine, not exceeding twenty dollars and costs of prosecution, and it shall be the duty of the marshal to remove all such obstructions.

SEC. 7. It shall not be lawful for any person, other than a public officer in the discharge of his official duties, unless authorized by the common council, in writing, to sell or offer for sale by auction or otherwise, at wholesale or retail, in or upon any part of the public grounds, streets, or sidewalks of the city of Ann Arbor, or upon any vacant lot in said city, not owned by him or properly leased from the owner thereof, any liquors, groceries, medicines, nostrums, jewelry, pies, cakes, or merchandise; and every person offending against the provisions of this section shall, on conviction, be fined a sum not less than one dollar nor exceeding twenty dollars, and costs of prosecution. And it shall be the duty of the marshal, sheriff, or any constable, to forthwith arrest all persons offending against the provisions of this section, and take them before a magistrate for examination; and it shall further be the duty of the marshal, sheriff, or any constable, to forthwith remove as a public nuisance, any and all tables, boxes, benches, tents, booths, vehicle, thing or things whatsoever, employed, or attempted or intended to be employed, in any sale contrary to the provisions of this section.*

SEC. 8. No person shall leave any horse or horses attached to any cart, wagon, carriage, or other vehicle in any part of the public streets of said city without being sufficiently tied or hitched, under a penalty, not exceeding ten dollars and costs of prosecution, for each offense.

SEC. 9. For any breach of any of the ordinances of said city of Ann Arbor, in the night time, it shall be the duty of the marshal, sheriff or any constable to arrest the persons, and either take them forthwith before a magis-

* As amended by Ordinance passed June 5, 1865.

trate, or commit them for safe keeping in any safe place in said city, until nine o'clock the next day, unless that shall be Sunday, in which case he shall be committed until Monday, and then bring him before a magistrate for examination.

AN ORDINANCE RELATIVE TO DISORDERLY CONDUCT.

[Passed February 18, 1857.]

Be it Ordained by the Mdyor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. If any person shall on the arrival or departure of any railroad cars at or from said city, or for the period of thirty minutes after the arrival or before the departure of said cars, and within twenty rods of the place where said cars have or are about to stop or depart from said city, make, aid, countenance, or assist in making any loud or boisterous noise, disturbance or improper diversion, or shall be guilty of any indecent, immoral, obscene or insulting conduct, language or behavior, such person shall for every such offense, upon conviction thereof, be fined in a sum not exceeding one hundred dollars and costs of prosecution, or be confined in the county jail not exceeding sixty days.

SEC. 2. If any person shall, during the night time, remove any boxes, barrels, wood, lumber, stones, or any other thing, not his own, from any of the sidewalks, yards or buildings into any of the streets, lanes or alleys of said city, or upon the premises of any other person, such person shall, upon conviction thereof, be fined in a sum not exceeding one hundred dollars and costs of prosecution, or be confined in the county jail not exceeding sixty days.

SEC. 3. In all cases where prosecutions are commenced under any of the ordinances of said city, the magistrate before whom the same shall be tried may, in his discretion,

add to the penalty attached thereto, the costs of prosecution.

AN ORDINANCE RELATIVE TO GONGS.

[Passed November 10, 1856.]

Be it ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor—

SECTION 1. That it shall not be lawful for any person to ring or sound any gong upon any of the streets, lanes, alleys or sidewalks, or outside any building fronting thereon, within said city; and any person offending against the provisions of this ordinance, shall upon conviction thereof, be fined a sum not less than one dollar, nor more than five dollars, and costs of prosecution, for each offense.

AN ORDINANCE RELATIVE TO HACK OR OMNIBUS DRIVERS.

[Passed September 20, 1875.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arber:

SECTION 1. That it shall be unlawful for any hack, carriage or omnibus driver, or any other person soliciting passengers or travelers at the Michigan Central depot, in the city of Ann Arbor, to solicit passengers or travelers, except at the steps of their respective vehicles, located at the south side of the dock adjoining the Michigan Central freight depot in said city, at which location all persons so soliciting are hereby required to be at their hacks, carriages, or omnibuses on the arrival of passenger trains, and there to remain during the stay of said passenger trains at said depot, and for the period of two minutes after the departure of said passenger trains from said depot. No person shall act or engage in the business of a public porter or runner for any hotel in the city of Ann Arbor, nor shall any omnibus agent, or omnibus, hack or carriage driver, or

drivers of baggage wagons act as porters or runners for any hotel in said city.*

SEC. 2. It shall be unlawful for any person or persons driving a baggage wagon, or any one accompanying the the same, to solicit passengers or travelers, when at said passenger depot or where passenger trains may be standing.

SEC. 3. It shall be unlawful for any person or persons soliciting passengers or travelers to do so in a boisterous or noisy manner, or treat them in any other way than civilly and gentlemanly.

SEC. 4. Any violation of the provisions of this ordinance shall be punished by a fine of not less than five dollars, nor more than twenty dollars; and in default of the payment thereof by imprisonment in the Washtenaw county jail for a period not less than ten days, nor for a period over thirty days.

SEC. 5. Ordinance No. 61, relative to regulating hacks, carriages and omnibuses, passed in common council, October 24, A. D. 1870, and ordinance No. 78, being an ordinane amendatory of ordinance No. 61, passed in common council, June A. D. 1873, and ordinance No. 80, being an ordinance amendatory of ordinances Nos. 61 and 78, made and passed in common council May 4, A. D. 1874, are hereby repealed.

SEC. 6. This ordinance shall take immediate effect from and after legal publication.

AN ORDINANCE RELATIVE TO HACK AND OMNIBUS DRIVERS.

[Passed December 2, 1878.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. It shall hereafter be unlawful for any hack, carriage or omnibus driver, or any other person soliciting

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* As amended by Ordinance passed Dec. 4, 1876.

passengers or travelers at the depot of the Toledo and Ann Arbor railroad, in the city of Ann Arbor, to solicit passengers or travelers, except at the steps of their respective vehicles, stationed on the south side of Washington street, between the office of the Toledo and Ann Arbor railroad company and the track of said railroad in said city, at which location all persons so soliciting are hereby required to be at their respective hacks, carriages or omnibuses on the arrival of passenger trains, and there to remain during the stay of said passenger trains at said depot, and for the period of two minutes after the departure of said passenger trains from said depot. No person shall act or engage in the business of a public porter or runner for any hotel in the city of Ann Arbor, nor shall any omnibus agent, or any omnibus, hack or carriage driver, or drivers of baggage wagons, act as porter or runner for any hotel in said city.

SEC. 2. It shall be unlawful for any person or persons driving a baggage wagon, or any one accompanying the same, to solicit passengers or travelers when at said passenger depot, or where passenger trains may be standing.

SEC. 3. It shall be unlawful for any person or persons soliciting passengers or travelers to do so in a boisterous or noisy manner, or treat them in any other way than civilly and gentlemanly.

SEC. 4. Any person or persons violating any of the provisions of this ordinance, or failing to comply with the provisions and requirements of the same, shall, on conviction, be punished by a fine, not exceeding twenty-five dollars, to be recovered before any justice of the peace of the city of Ann Arbor, and in the imposition of any such fine the justice of the peace may make a further order that in default of the payment of said fine within the time to be fixed by the justice in his sentence, the offender shall be committed to the county jail of Washtenaw county, for a period of time not exceeding thirty days.

SEC. 5. This ordinance shall take effect from and after legal publication.

AN ORDINANCE RELATIVE TO THE EXPOSURE OF PERSON BY BATHING OR OTHERWISE.

[Passed June 18, 1855.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. That it shall not be lawful for any person or persons to expose their naked bodies by bathing or otherwise within the limits of said city of Ann Arbor, between sunrise in the morning and eight o'clock in the evening; and any person or persons offending against this ordinance shall, upon conviction thereof, be fined not exceeding twenty-five dollars, or imprisonment in the county jail not exceeding thirty days.

AN ORDINANCE TO PROHIBIT GAMING WITHIN THE CITY OF ANN ARBOR.

[Passed May 6, 1857.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. That any person or persons gaming for money with cards, dice, billiards, nine or ten pin alleys, wheels of fortune, tables, ball alleys, boxes, machines or other instruments or devices of any kind, in any grocery, store, shop, tavern, street, alley, room, or any other place within said city, shall be punished on conviction thereof, by a fine, not less than five dollars nor more than one hundred dollars, or by imprisonment for a period not to exceed thirty days, or both such fine and imprisonment, together with all costs of suit, in the discretion of the court.

SEC. 2. Any person or persons keeping the building, instruments or means for said gaming, shall be punished by the same fine or imprisonment, or both, as is prescribed in the preceding section.

SEC. 3. Any instrument kept for the purpose of gaming for money shall, upon conviction of the person or persons keeping the same, as is prescribed in the preced-

ing section, be destroyed by the marshal of the city of Ann Arbor, under the order of the mayor of said city. And if the marshal shall refuse or neglect to obey such orders, or if he returns to the owners any instrument ordered to be destroyed, or uses, sells, or in any other manner disposes of the same, save in accordance with the said order, he shall be fined one hundred dollars for each and every offense.

SEC. 4. If any person shall make complaint before any justice of the peace of said city, that he suspects or has probable cause to suspect that any house or other building is used for the purpose of gaming for money, and that persons resort to the same for the purpose of gaming therein, the said justice shall issue a warrant, commanding the marshal or any deputy marshal of said city to enter into such house or building, and there to arrest all persons who shall there be found playing for money, and also the keepers of said house or building, and to take into their custody all the instruments of gaming there found, and to bring said persons and instruments before said justice, to be dealt with according to law.

AN ORDINANCE TO PREVENT THE VIOLATION OF THE SABBATH.

[Passed January 24, 1872.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. That no person shall keep open or permit to be kept open his or her store, ordinary, saloon, bar-room, beer-hall, restaurant, pleasure garden, victualing house, billiard room, ball alley, grocery, barber shop, or other place of business, pleasure or amusement, or give or make or be present at or take part in or permit on any premises occupied by him or her, any public diversion, show, theatrical representation, ball, dance, game, or play, on the first day of the week, called the Sabbath or Sunday.

This section shall not be construed to prevent druggists from furnishing medicines and prescriptions, nor to prevent the furnishing of meals and lodgings to travelers and boarders. But nothing herein contained shall authorize the furnishing of intoxicating liquors to any person.

SEC. 2. Any violation of the provisions of this ordinance shall be punished by a fine not less than ten dollars, nor exceeding one hundred dollars, or by imprisonment in the Washtenaw county jail, or in the Detroit house of correction, for a term not exceeding ninety days.

SEC. 3. An ordinance entitled "An ordinance for the preservation of order and quiet in the city of Ann Arbor," made and passed September fourth, eighteen hundred and sixty-five, is hereby repealed, but such repeal shall not effect any act done or proceedings commenced, or any penalty or fine incurred or imposed thereunder.

SEC. 4. This ordinance shall take immediate effect.

AN ORDINANCE TO PREVENT THE SALE OF INTOXICATING DRINKS TO STUDENTS AND MINORS.

[Passed Nov. 2, 1874.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. That it shall not be lawful for any person, by himself, his clerk or agent, to permit any student in attendance at any public or private institution of learning in the city of Ann Arbor, or any minor, to play at cards, dice, billiards, or any game of chance in any part of any building in which spirituous liquors or intoxicating drinks are sold, nor shall it be lawful for any person by himself, his clerk or agent, to sell or give to any student in attendance at any public or private institution of learning in said city, or any minor, any spirituous or intoxicating drinks, except when prescribed by a regular physician for medical purposes, and any person who shall offend against either

of the foregoing provisions of this ordinance shall be deemed to have been guilty of a misdemeanor, and on conviction thereof, shall be fined twenty dollars and costs of prosecution, and in default of payment thereof, shall be imprisoned in the county jail, not exceeding sixty days.

SEC. 2. This ordinance shall be published for two weeks successively in the *Michigan Argus and Peninsular Courier and Family Visitant*, the two newspapers published in said city ofAnn Arbor, and shall take effect at the expiration of fifteen days after the first insertion in said papers.

AN ORDINANCE TO PRESERVE PUBLIC PEACE AND GOOD ORDER.

[Passed September 1, 1879.]

Be it Ordained by the Mayor, Recorder and Aldermen of the City of Ann Arbor:

SECTION 1. That no person shall keep open or permit to be kept open his or her store, ordinary, saloon, bar-room, beer hall, restaurant, pleasure garden, victualing house, billiard room, ball alley, grocery, barber shop or other place of business, pleasure or amusement, before the hour of six o'clock in the morning or after the hour of ten o'clock inthe evening of any day in the week. This section shall not be construed to apply to telegraph and railroad offices, printing establishments, manufacturing establishments driven by water or steam power, and livery stables, nor to public lectures, meetings, balls, dances, and musical concerts at which the public at large are accustomed to attend, nor to public shows and exhibitions that shall be duly licensed by authority of the common council, nor to prevent druggists from furnishing medicines and prescriptions, nor to prevent the furnishing of meals and lodgings to travelers and boarders. But nothing herein contained shall authorize the furnishing of intoxicating liquors to any person.

SEC. 2. Any person or persons violating any of the provisions of this ordinance, shall, on conviction, be punished by a fine of not less than ten dollars, nor exceeding one hundred dollars and costs of prosecution, to be recovered before any justice of the peace of the city of Ann Arbor; and in the imposition of any such fine and costs the justice may make a further sentence, that the offender be imprisoned in the jail of Washtenaw county until the payment of such fine; provided the term of such imprisonment shall not exceed ninety days.

SEC. 3. This ordinance shall not be construed to in any way, alter, repeal, or amend an ordinance passed by the common council of the city of Ann Arbor, on the twenty-fourth day of January, A. D. 1872, entitled "An ordinance to prevent the violation of the Sabbath."

SEC. 4. Chapter 35 of the revised ordinances of 1876, being an ordinance entitled "An ordinance to preserve public peace and good order" is hereby repealed.

SEC. 5. This ordinance shall take effect from and after legal publication.

AN ORDINANCE RELATIVE TO GETTING OFF OR ON RAILWAY CARS WHEN IN MOTION.

[Passed December 4, 1876.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. It shall not be lawful for any person within the corporate limits of the city of Ann Arbor to step, drop, or jump from any train of railway cars when in motion, nor to get on the same when in motion; and any person who shall violate the provisions of this ordinance shall be punished by a fine not exceeding five dollars, or by imprisonment in the Washtenaw county jail, not exceeding three days, in the discretion of the justice trying the offender: *Provided*, That this ordinance shall not apply to persons in the employ of any railway company.

SEC. 2. This ordinance shall take effect from and after legal publication.

AN ORDINANCE RELATIVE TO A PUBLIC MARKET.

[Passed September 19, 1876.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. The space of ground being seventy-four feet in width on the west side of block number one, north of Huron street, and range three east, is hereby declared to be a public market, and shall constitute and be known as the City Market.

SEC. 2. The common council may, from time to time, establish in addition to the said market, such other public markets as the convenience and necessities of the city may require.

SEC. 3. It shall be the duty of the mayor to appoint a committee on markets, and said committee shall have power, and it shall be the duty of said committee to make rules and regulations for the government of the public markets of said city.

SEC. 4. The public markets of the city shall be kept open every day, Sundays excepted, for such hours as may, from time to time, be fixed by the committee on markets.

SEC. 5. No person within any of the public markets of said city, shall be guilty of any lewd, lascivious or disorderly conduct, or make any loud or boisterous noises, or use any profane or vulgar language, or do any act which is calculated to lead to a breach of the peace, or which tends to disturb the good order or decorum of the place.

SEC. 6, No person shall kill or slaughter within the limits of any public market in said city, any beast; or gut or cleanse any fish, or lay, or throw, or deposit any dirt, filth or offal therein.

SEC. 7. No person shall sell at auction any goods, wares, or merchandise, or furniture of any kind, within the

limits of any public market in said city during market hours.

SEC. 8. All persons selling, or offering for sale, from wagons, carts, or other vehicles, any fish, hay, straw or wood, within the limits of the space bounded on the south by William street, on the west by First street, on the east by Division street, and on the north by North street, shall occupy and stand with their teams on the space of ground by this ordinance constituted and known as the City Market.

SEC. 9. All drays, carts, wagons, or other vehicles used for the transportation of goods, merchandise, and other wares, plying for hire within the limits of said city, shall, while waiting for employment, occupy the following stand and no other, that is to say: the space of ground by this ordinance constituted and known as the City Market.

SEC. 10. Any violation of the provisions of this ordinance shall be punished by a fine, to be imposed by the justice of the peace trying the offender, of not less than two dollars, nor more than one hundred dollars, or, in the discretion of said justice, by imprisonment in the Washtenaw county jail for a term not less than ten days, nor exceeding thirty days.

SEC. 11. This ordinance shall take immediate effect.

AN ORDINANCE PROHIBITING THE SALE, CIRCULATION OR PRINTING OF OBSCENE, IMMORAL, INDECENT AND SCANDALOUS BOOKS, PAPERS, OR PRINTS WITHIN THE CITY OF ANN ARBOR.

[Passed January 7, 1878.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. It shall be unlawful within the city of Ann Arbor, for any person, firm or corporation, to print, publish, sell, offer for sale, give away, circulate or distribute any book, pamphlet, ballad, printed paper, or other thing, containing obscene, immoral, indecent or scandalous

language, or obscene prints, pictures, figures or descriptions, or articles or advertisements of a scandalous, indecent or immoral nature, tending to the corruption of the morals of the residents of said city; or to introduce into any family, schools or place of education, or to buy, procure, receive, or have in his possession any such book, pamphlet, ballad, printed paper, or other thing, either for the purpose of sale, exhibition, loan or circulation, or with intent to introduce the same into any family, school, or place of education.

SEC. 2. Any person who shall violate any of the provisions of this ordinance shall be punished by a fine to be imposed by the justice of the peace trying the offender, of not less than ten, nor more than one hundred dollars, or, in the discretion of said justice, by imprisonment in the Washtenaw county jail, for a period of not less than one month nor more than ninety days,

SEC. 3. This ordinance shall be published for two weeks successively in the *Michigan Argus*, a newspaper published in the city of Ann Arbor, and shall take effect at the expiration of fifteen days after the first insertion in said paper.

CHAPTER V.

OF PUBLIC HEALTH.

AN ORDINANCE FOR THE ESTABLISHMENT AND REGULATION OF A BOARD OF HEALTH OF THE CITY OF ANN ARBOR.

[Passed November 10, 1865.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. That the Board of Health instituted by and appointed under resolution of said common council on

the sixth day of November instant, and any other Board of Health which may hereafter be appointed for said city, shall have and exercise all the power and perform all the duties conferred upon or required of a board of health, by the provisions of chapter thirty-seven of the compiled laws of the State of Michigan, and any act or acts of the Legislature amendatory thereof or supplementary thereto.

SEC. 2. Every person in default or offending against any of the lawful regulations or requirements of any such Board of Health, shall be punished, forfeit and pay according to the provisions of said chapter, and the act or acts aforesaid, respecting his or her default or offense.

SEC. 3. The city marshal, justices of the peace, and constables of said city shall respectively have and exercise within said city all such jurisdiction and powers and discharge all such duties appertaining to the objects, acts and doings of said Board of Health, as are conferred upon or required respectively of the sheriff of the county, justices of the peace, and constables, by the provisions of said chapter; and the said act or acts, and all the acts and doings of said Board of Health, and the officers, agents and servants employed by them, and the proceedings to enforce these requirements, or carry out the objects of their appointment, shall, as nearly as may be, conform to and be regulated and governed by the provisions of said chapter thirty-seven of the compiled laws of the State of Michigan, and the acts of the Legislature amendatory and supplementary thereto.

AN ORDINANCE TO ABATE AND REMOVE NUISANCES AND PRESERVE HEALTH.

[Passed March 4, 1872.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. That no person shall by himself or by another throw, place, deposit or leave in or upon any street, highway, lane, alley, sidewalk, public space or square

within the limits of the city of Ann Arbor, any animal or vegetable substance, dead animal, fish, shells, shavings, dirt, rubbish, excrement, filth, ordure, slops, unclean or nauseous water or liquor, hay, straw, ashes, cinders, soot, offal, garbage, swill, or any other article or substance whatever which may cause. any noisome, offensive or unwholesome smell; and in case any such animal or vegetable substance, dead animal, fish, shells, shavings, dirt, rubbish, excrement, filth, ordure, hay, straw, ashes, cinders, soot, offal, garbage, swill, or any other article or substance whatever which may cause any noisome, offensive or unwholesome smell shall be found in or upon any such street, highway, lane, alley, sidewalk, public space or square, it shall be the duty of the owner or occupant of the lot or premises in front of which such animal or vegetable substance, dead animal, fish, shells, shavings, dirt, rubbish, excrement, filth, ordure, hay, straw, ashes, cinders, soot, offal, garbage, swill, or any other article or substance whatever, which may cause any noisome, offensive or unwholesome smell, shall be found, to remove the same immediately.

SEC. 2. The owner or owners and occupant or occupants of each store, shop, or place of business fronting, abutting upon or adjoining to any street in said city, shall, on Friday evening of each week, from the fifteenth day of March to the fifteenth day of November, scrape, gather and sweep into convenient heaps and piles all the filth and rubbish found in the street, to the center thereof, in front of, abutting upon or adjoining to such store, shop, or place of business, so that such filth and rubbish may be quickly and readily collected into wagons or carts for removal from the street; and shall also, at all times, keep the gutters of such street free from all rubbish or other matter which may impede the free and ready flow of water through such gutters, or which shall cause filthy or stagnant water to stand in such gutters.

SEC. 3. No distiller, brewer, soap boiler, tallow chandler, dyer, machinist, or other person, shall himself, or by another, discharge out of or from any still house, brewery, soap or candle factory, dye-house, work-shop, factory, machine shop, tannery, dwelling-house, kitchen or other building, any foul or nauseous liquid, water, or other substance, into or upon any highway, sidewalk, street, lane, alley, public space or square, or into any adjacent lot or grounds in said city.

SEC. 4. No person shall keep, place or have on or in any private house, lot or premises in said city, any dead carcass, putrid, offensive or unsound beef, pork, fish, hides, skins, bones, horns, stinking or rotten soap grease, tallow, offal, garbage, or other animal or vegetable matter or substance, which may cause any unwholesome, noisome, or offensive smell.

SEC. 5. When any dumb animal shall die within the limits of said city, the owner or person in possession of it shall, within twelve hours thereafter, cause the carcase to be removed to the place provided by the common council, or beyond the city limits.

SEC. 6. No owner or occupant of any grocery, cellar, tallow chandler's shop, soap, candle, starch, or glue factory, butcher's shop, slaughter-house, stable, barn, privy, sewer, or other building or place, shall allow any nuisance to exist or remain on his or her premises.

SEC. 7. No person shall himself, or by another, wash or clean any carriage or horse on any street, sidewalk, or other public space, nor suffer the water used for such purposes to flow over any sidewalk, street, or public space.

SEC. 8. The keeper of any livery or other stable shall keep the stable and stable-yard clean, and shall not permit, between the first day of June and the first day of November, more than two cart-loads of manure to accumulate in or near the same at any one time.

SECS. 9 AND 10. *

* Repealed by Ordinance passed November 8, 1875.

SEC. 11. No person shall allow any green or salted hides to remain on any street, sidewalk, or other open place within said city, longer than one hour.

SEC. 12. No person shall collect or confine hogs, in pens or otherwise, so as to become offensive to his or her neighbor or neighbors.

SEC. 13. No person shall place, deposit, throw or keep in the waters of the Huron river, Allen's creek, or Traver's creek, within said city limits, any straw, hay, green boughs, manure, vegetables, perishable substance, excrement, carcase, bones, horns, shells, meats, hides, offals, garbage, or any unwholesome or decayed matter or thing whatever.

SEC. 14. Every dwelling-house, store, manufactory or shop hereafter built within the limits of the city of Ann Arbor, shall be provided with a suitable privy, the vault of which shall be walled up with two-inch plank, brick or stone, and be sunk at least four feet below the level of the earth. The inside of such vault shall be at least one foot distant from the line of every adjoining highway, street, lane, alley, or lot.

SEC. 15. No privy shall be emptied between the first day of June and the first day of October, unless by the written permission of the mayor, an alderman, or a member of the board of health. Privies shall be emptied between the hours of ten P. M. and three A. M., and at no other time. No person shall fill up or cover over, or suffer to be filled up or covered over, any privy vault that has been used as such, without first removing the contents thereof to some suitable place beyond the corporate limits of said city. No person shall bury, deposit, or spread the contents of any privy upon any premises within the corporate limits of said city.*

SEC. 16. Any cart, wagon, or other vehicle, used or intended to be used for the purpose of conveying swill, offal, garbage, excrement, ordure or night-soil, shall be

* As amended by Ordinance passed July 7, 1881.

perfectly tight and covered, so as to prevent the contents thereof from leaking or spilling, and such cart, wagon, or other vehicle, when not in use, shall not be allowed to stand in any highway, street, lane, alley, public space, or square.

SEC. 17. Any violation of the provisions of this ordinance shall be punished by a fine of not less than ten dollars nor exceeding one hundred dollars, or by imprisonment in the Washtenaw county jail or the Detroit house of correction for a term not exceeding ninety days.

SEC. 18. An ordinance of said city entitled "An Ordinance Relative to Nuisances," made and passed June 17, 1851, is hereby repealed.

SEC. 19. This ordinance shall take effect from and after its passage.

AN ORDINANCE TO PRESERVE THE STATISTICS OF THE CITY OF ANN ARBOR IN REGARD TO THE PUBLIC HEALTH.

[Passed February 16, 1874.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. That it shall be the duty of all practicing physicians in the city of Ann Arbor, on the first days of January, April, July, and October, in each and every year, to report in writing, to the board of health of the city of Ann Arbor, a true statement of the number of cases of small-pox, cholera, scarlet fever, typhoid fever, measles and whooping-cough occurring each month during the past quarter, upon which they have been the attending physicians; also, the number of deaths resulting from each of said diseases.

SEC. 2. That all undertakers, and other persons, who shall furnish any coffins or caskets within which to inter the dead within the limits of the city of Ann Arbor, or within which the dead are to be removed from the limits of said city, shall first obtain a written permit from the president, acting-president, or secretary of the board of

health of said city: *Provided*, That nothing in this section shall be construed to prevent coffins and caskets being furnished for persons dying without the limits of said city.

SEC. 3. Any person or persons violating any of the provisions of this ordinance, or failing to comply with the provisions and requirements of the same, shall be punished by a fine not exceeding twenty-five dollars, nor less than five dollars, and costs of suit, to be recovered before any justice of the peace of the city of Ann Arbor; and in the imposition of any such fine and costs, the said justice of the peace may make a further order, that in default of the payment of said fine and costs within the time to be fixed by said justice in his sentence, the offender be committed to the county jail of Washtenaw county for a period of time not exceeding twenty-five days, nor less than five days.

SEC. 4. This ordinance shall be published for two weeks successively in the *Michigan Argus* and the *Peninsular Courier*, and shall take effect in fourteen days after the publication of the same.

AN ORDINANCE RELATIVE TO PUBLIC HEALTH.

[Passed October 7, 1878.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. That whenever any physician or other person practicing as such, shall have the charge of, or shall be called to visit, any person within the limits of this city who shall be sick or infected with the small-pox, cholera, scarlet fever, measles, or any other infectious or contagious disease, or disease dangerous to the public health, he or she shall immediately give notice thereof to the chairman of the board of health of this city, or to the health officer of said board, together with the name and residence of such patient.

SEC. 2. That whenever any householder shall know or be informed that any person within his or her place of

residence is taken sick, or is infected with the small-pox, cholera, scarlet fever, measles, or any other infectious or contagious disease, or disease dangerous to the public health, he or she shall immediately give notice thereof to the chairman of the board of health of this city, or to the health officer of said board, together with his or her place of residence and name of such patient.

SEC. 3. Any person or persons violating any of the provisions of this ordinance, or failing to comply with the provisions and requirements of the same, shall be punished by a fine not exceeding twenty-five dollars, to be recovered before any justice of the peace of the city of Ann Arbor; and in the imposition of any such fine the justice of the peace may make a further order, that in default of the payment of said fine within the time to be fixed by the justice in his sentence, the offender shall be committed to the county jail of Washtenaw county for a period of time not exceeding thirty days.

SEC. 4. An ordinance entitled "An ordinance Relative to Public Health," being chapter eighteen of the revised ordinances of the city of Ann Arbor, is hereby repealed.

SEC. 5. This ordinance shall take effect from and after legal publication.

AN ORDINANCE RELATIVE TO SLAUGHTER HOUSES.

[Passed November 8, 1875.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. That the common council of the city of Ann Arbor do hereby direct and designate the following described pieces or parcels of land as the location of all slaughter-houses in said city, to wit: All that portion of said city bounded on the north by the north boundary line of said city; on the west by the west boundary line of said city; on the south by a line drawn parallel to said north boundary line, and at a distance of eighty rods therefrom;

and on the east by a line drawn parallel to the west boundary line of said city, and at the distance of one mile therefrom; also that portion of said city bounded on the east by State street, on the west by Main street, on the south by the south boundary line of said city, and on the north by a line drawn parallel to said south boundary line and at a distance of seventy-five rods therefrom; excepting from both the above described parcels of land those portions thereof which lie within thirty rods of any public street or highway in said city. And it shall be unlawful for any person or persons to keep, maintain or use any slaughter-house within the corporate limits of the said city of Ann Arbor except within the limits above designated as the location of slaughter-houses in said city. And if any person or persons shall keep, maintain or use any slaughter-house within the corporate limits of the city of Ann Arbor, except within the limits above designated as the location of slaughter-houses in said city, such person or person shall be deemed guilty of a violation of the provisions of this ordinance; and any building or part of a building in which any slaughtering is done for other than the family use of the person or persons slaughtering, shall be deemed a slaughter-house within the meaning of this ordinance.*

SEC. 2. For each and every day's violation of the provisions of this ordinance, the offender shall be punished by a fine of not less than twenty-five dollars, and not exceeding one hundred dollars, or by imprisonment in the Washtenaw county jail for a term of not less than thirty days nor exceeding ninety days, in the discretion of the justice trying the offender.†

SEC. 3. This ordinance shall take effect from and after its legal publication.

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* As amended by Ordinance passed Nov. 20, 1876.

† As amended by Ordinance passed Nov. 20, 1876.

CHAPTER VI.

OF LICENSES.

AN ORDINANCE FOR THE ISSUE OF LICENSES.

[Passed May 11, 1868.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. No person except the recorder, and in his absence the mayor, shall be authorized to issue any license in pursuance of any ordinance made by the common council of the city of Ann Arbor, unless otherwise ordered by the common council; and he shall make and keep a correct register of all licenses issued, which license shall state the consecutive numbers thereof, the name of the person to whom issued and for what purpose, the date of issue, the time of expiration, and the amount paid into the city treasury; all of which shall be entered upon the register aforesaid, provided for that purpose, and no license shall be deemed valid unless signed by the mayor or recorder as aforesaid; and for each license issued and registered as aforesaid the recorder shall receive the sum of fifty cents, to be paid by the person to whom said license is granted, which sum shall be paid in addition to the amount paid into the city treasury, and shall be and constitute a part of the amount paid for said license.

SEC. 2. All licenses, unless revoked by the common council, shall continue in force until the first day of May next ensuing the date thereof, unless otherwise expressly stated in said license, and in no case shall any license purporting to continue in force beyond the first day of May next ensuing the date thereof, be deemed valid.

SEC. 3. This ordinance shall take effect from and after its passage.

AN ORDINANCE RELATIVE TO SHOWS, THEATRICAL AND OTHER EXHIBITIONS.

[Passed June 17, 1851.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. It shall not be lawful for any person or persons to make or exhibit any show, or to perform or exhibit any plays, games, theatrical or other performances or exhibitions whatever, or to exhibit any natural or other curiosities for which pay in money or other consideration of any kind shall be demanded or received for admission, within the limits of the city of Ann Arbor, without having previously obtained a license so to do, as hereinafter provided.

SEC. 2. It shall be the duty of every person who may be desirous of exhibiting any such curiosities or shows, or of performing any plays, games, theatrical or other exhibitions, for which any consideration shall be demanded or received for admission, to make application to the common council, or to the mayor and two aldermen, or, in the absence of the mayor, to the recorder and two aldermen, for a license; and such license may be granted, if deemed proper, upon payment into the city treasury of such sum as may be directed, and which shall be specified in such license.

SEC. 3. Any person or persons who shall violate the provisions of this ordinance, shall, upon conviction thereof before any justice of the peace of said city, be punished by a fine not exceeding one hundred dollars for every offense, or by imprisonment in the county jail not exceeding thirty days, or both, at the discretion of the justice, with costs of prosecution. And it shall be the duty of the marshal, whenever any person shall be found so offending, to cause him or her to be arrested, and brought without delay before a justice of the peace of said city, to be dealt with according to law for such offense: *Provided*, That any person so arrested may, before being brought before the jus-

tice, be discharged by the marshal, if he shall pay to the city treasurer such sum as the officers authorized to grant a license shall direct, with costs.

AN ORDINANCE RELATIVE TO HAWKERS AND PEDDLERS.

[Passed May 11, 1868.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. No person shall follow the business or occupation of a hawker or peddler within the limits of the city of Ann Arbor without a license from the recorder.

SEC. 2. The recorder is hereby authorized to issue a license to any person to follow the business or occupation of a hawker or peddler, on his paying into the city treasury the sum prescribed in the next section.

SEC. 3. Any person soliciting a license as a peddler, shall pay therefor as follows: If he intends to travel on foot, three dollars for the first day, and two dollars for each subsequent day. If he intends to travel with one horse, or other animal, the sum of ten dollars for the first day, and five dollars for each subsequent day. If he intends to travel with two or more horses, or other animals, fifteen dollars for the first day, and ten dollars for each subsequent day, and the recorder's fee: *Provided*, That no license under this section shall be issued for a longer period than thirty days, and each renewal shall be deemed and considered a new license. This ordinance shall not apply to citizens of Ann Arbor who are selling articles of their own manufacture.*

SEC. 4. This ordinance is not intended to apply to any mechanic of this State, selling or offering for sale any article of his own manufacture or construction, nor to any person selling or offering for sale any wholesome meats by the quarter, poultry, ice, vegetables, berries, fruit, butter, eggs, or other provisions.

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* As amended by Ordinance passed May 2, 1881.

SEC. 5. Any person violating any of the provisions of this ordinance, shall be punished by a fine not to exceed fifty dollars and costs, to be recovered before any justice of the peace of said city; and in the imposition of any fine and costs, the said justice of the peace may make a further sentence, that in default of the payment of such fine or costs, the offender may be imprisoned in the Detroit house of correction, or the county jail, for any period of time not exceeding ninety days.

SEC. 6. All ordinances and parts of ordinances inconsistent with this ordinance, are hereby repealed.

SEC. 7. This ordinance shall take effect from and after its passage.

AN ORDINANCE REGULATING THE USE OF THE PUBLIC STREETS AND OTHER PUBLIC SPACES BY PERSONS KNOWN AS BOOTBLACKS AND NEWS-BOYS, IN PLYING THEIR TRADE OR BUSINESS.

[Passed January 7, 1878.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor, as follows:

SECTION 1. No boy or boys, or other person, known as "bootblacks" or as "newsboys," shall ply their trade or business in any of the streets, avenues, parks, or other public spaces within the city of Ann Arbor, without a permit from the recorder, countersigned by the mayor, as hereinafter provided.

SEC. 2. The recorder is hereby authorized to grant permits in writing to the class of persons known as "bootblacks" and "newsboys," to ply their trade or business in the streets, avenues, parks, or other public spaces of this city. No permit granted under this ordinance shall last for a period longer than the first Monday in June then next following.

SEC. 3. It is hereby made the duty of the recorder to furnish to each person to whom a permit is granted a number made of tin or other metal; he shall endorse such

number upon the permit, and shall keep a correct record of the name of each person to whom a permit is granted, with his place of residence, the trade or business he is permitted to pursue under this ordinance, and the number with which he is supplied. He shall collect the sum of ten cents from each person to whom the number herein provided for is issued.

SEC. 4. Each person to whom a number is issued under the preceding section of this ordinance, shall, while plying his trade or business, wear said number on the front of his hat or cap, or on the breast of his coat, so that the same may be plainly seen.

SEC. 5. The mayor, the recorder, and the common council, or either of them, may revoke the permit herein provided for, and it shall be deemed a sufficient cause for such revocation that the person whose permit is revoked has been guilty of using indecent or profane language or of committing any act of a disorderly or dishonest nature; and the permit issued any "newsboy" may be revoked as aforesaid if he shall sell, or offer for sale, circulate, or deliver, or cry any newspaper, pamphlet, magazine or printed matter within said city, the sale or circulation of which, within said city, may be or shall have been prohibited by the resolution of the common council.

SEC. 6. Any violation of, or failure to comply with, any of the provisions of this ordinance, shall be punished by a fine, to be imposed by the justice of the peace trying the offender, not to exceed ten dollars, or, in the discretion of the said justice, by imprisonment in the Washtenaw county jail for a period of time not exceeding thirty days.

SEC. 7. This ordinance shall be published for two weeks successively in the *Michigan Argus*, a newspaper published in the city of Ann Arbor, and shall take effect at the expiration of fifteen days after the first insertion in said paper.

AN ORDINANCE RELATIVE TO AUCTIONEERS.

[Passed May 2, 1881.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. That no person shall exercise the business or trade of an auctioneer, or sell property at public auction or outcry, without a license from the license committee. This section shall not apply to any person selling property by virtue of a legal process, or under a mortgage, or for benevolent or charitable purposes.

SEC. 2. The license committee are hereby authorized to grant a license to any person of good character, on the conditions prescribed in the following section.

SEC. 3. Any citizen of Ann Arbor applying for a license shall, before the same is granted to him, pay into the city treasury the sum of twenty-five dollars per year, and the recorder's fee, and execute a bond to the corporation in the sum of five hundred dollars, with two sufficient sureties, conditioned for the faithful observance of the charter and ordinances of said city. If the applicant for such license be a non-resident of the city, he shall pay for such license at the rate twenty-five dollars per day, in advance, for each and every day he shall sell, and the recorder's fee, and he shall also give a like bond, with like securities, as hereinbefore prescribed for residents; and any resident auctioneer who shall sell or be engaged in the sale of the goods or stock of any non-resident of the city, or transient person doing business here temporarily, shall, while so employed and engaged, be treated as a non-resident auctioneer, and shall pay the same per day into the city treasury as is herein provided for non-resident auctioneers.

SEC. 4. No bell or crier shall be used to collect bidders at any auction.

SEC. 5. Any violation of any provision of this ordinance shall be punished by a fine not less than ten dollars and not to exceed one hundred dollars, and costs, or by

imprisonment in the county jail not to exceed three months, in the discretion of the court.

AN ORDINANCE RELATIVE TO DRAYS.

[Passed May 11, 1868.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. Every cart, truck, wagon, dray or other vehicle having two or more wheels, or sleigh, and drawn by one or more horses or other animals, which shall be kept, used, driven or employed for the transportation or conveyance of anything whatsoever from place to place within the limits of the city of Ann Arbor, for hire, shall be deemed a "dray," within the meaning of this ordinance; and no person shall hire, or keep for hire any such dray, without a license therefor from the recorder, as hereinafter provided.

SEC. 2. The recorder is hereby authorized to grant license to any resident of the city of Ann Arbor to keep a dray, on his paying into the city treasury the sum specified in section three of this ordinance, and his executing a bond to the mayor, recorder and aldermen of the city of Ann Arbor, in the penal sum of fifty dollars, with one or more sureties, conditioned for a faithful observance of the charter and ordinances of the said city.

SEC. 3. The person applying for a license for a dray designed to carry twenty-five hundred pounds or over, shall pay the sum of nine dollars and fifty cents, and for all other drays the sum of two dollars and fifty cents, together with the recorder's fee. And all licenses issued by virtue of this ordinance shall, unless revoked by the common council, continue in force until the first day of May next ensuing the date thereof, and no longer; and such license shall state the number of such dray, with the name of the person to whom granted.

SEC. 4. Every person licensed as herein provided shall cause the number of his dray to be painted and kept conspicuously in plain, legible figures at least two inches long, upon each side of his dray.

SEC. 5. The owner or driver of a licensed dray shall be entitled to demand and receive the following compensation, and no more: For removing or transporting furniture a distance of not exceeding one mile, fifty cents per load, and ten cents for each additional mile or fractional part thereof; for conveying any other articles a distance not exceeding one mile, twenty-five cents, and ten cents for each additional mile or fraction thereof. All disputes or disagreements as to distance or rates of compensation between draymen and persons employing them, shall be determined by the mayor, whose decision shall be final.

SEC. 6. No drayman shall be guilty of any deceit or misrepresentation in the exercise of his duties.

SEC. 7. No drayman shall cruelly beat or torture any horse or other animal, whether belonging to himself or another.

SEC. 8. The iron tire around the wheel of a dray designed to carry twenty-five hundred pounds or more, shall not be less than three inches in breadth, and the nails with which the tire is nailed or fastened to the wheel, shall be sunk into the iron or tire so that the nails shall not project beyond the surface thereof.

SEC. 9. No drayman shall refuse to be employed unless otherwise actually engaged; nor shall any drayman neglect or refuse to carry such a load as can be safely and conveniently stored on his dray and drawn by his horse or horses, mule or mules.

SEC. 10. A drayman shall be entitled to receive the compensation provided in this ordinance, immediately on the transportation of his load, and, unless so paid, he may retain the articles or things so transported until the matter is determined by the mayor, whose decision shall be final.

SEC. 11. No drayman, or person having a dray in charge, shall drive or back the same on any sidewalk, or stop the same on any crosswalk, so as to obstruct or hinder travel, or place the same crosswise of any street, except in loading and unloading, and not then for a greater length of time than is necessary for such purpose.

SEC. 12. It shall not be lawful for any drayman or other person having charge of a dray, to be away from such dray while the same is moving or passing along any street, and the draymen or persons having charge of drays shall, while waiting for employment, be on or near their drays; and they shall not snap or flourish their whips, or use any rude or boisterous language or conversation, so as to be an annoyance to persons passing the street.

SEC. 13. It shall be the duty of the marshal and his deputies, and it shall be permitted any person, to make complaint for any violation of the provisions of this ordinance.

SEC. 14. Any violation of, or failure to comply with, the provisions of this ordinance, shall be punished by a fine not to exceed seventy-five dollars and costs, to be recovered before any justice of the peace of the city of Ann Arbor; and in the imposition of any such fine and costs the said justice of the peace may make a further sentence that in default in the payment thereof within the time fixed in such sentence, the offender be committed to the Detroit house of correction or the county jail for a period of time not exceeding ninety days.

SEC. 15. So much of an ordinance entitled "An Ordinance Relative to Hacks, Cabs, Drays, and Other Vehicles," as relates to drays, and all other ordinances or parts of ordinances inconsistent with the provisions of this, are hereby repealed.

SEC. 16. This ordinance shall take effect from and after its passage.

AN ORDINANCE RELATIVE TO HACKNEY CARRIAGES AND OMNIBUSES.

[Passed May 1, 1882.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. Every public carriage, cab, coach, hack or other vehicle drawn by one or more horses or other animals, which shall be kept, used, driven or employed to convey any person or persons from place to place within the limits of the city of Ann Arbor, or to carry any person or persons by the hour in said city, for hire, shall be deemed a "hackney carriage" within the meaning of this ordinance.

SEC. 2. No person shall hire, or keep for hire, within the limits of the city of Ann Arbor, any hackney carriage or omnibus without a license therefor from the recorder.

SEC. 3. The recorder is hereby authorized to issue licenses, for the purpose aforesaid, to any resident of the city of Ann Arbor of the age of twenty-one years or upwards, of good moral character, upon his paying into the city treasury the sum of one dollar and the recorder's fee, and to any person, a non-resident of the city of Ann Arbor, of twenty-one years or upwards, of good moral character, upon his paying into the city treasury the sum of nine dollars and fifty cents, and the recorder's fee, for each hackney carriage or omnibus kept as aforesaid, and executing a bond to the mayor, recorder and aldermen of the city of Ann Arbor, in the penal sum of one hundred dollars, with one or more sureties, to be approved by the common council of said city, conditioned for a faithful observance of the charter and ordinances of said city, and that he will pay all fines, penalties, costs and damages for which he may become liable on account of such hackney carriage or omnibus, under his license as aforesaid; and such license shall state the number of each hackney carriage or omnibus, with the name of the person to whom granted.

SEC. 4. No person shall drive, or be permitted to drive, any hackney carriage or omnibus without being licensed as a public driver by the recorder.

SEC. 5. The recorder is hereby authorized to grant licenses to residents of the city of Ann Arbor, of the age of twenty-one years and upwards, of good moral character, to act as drivers of hackney carriages or omnibuses, on the person applying for such license paying into the city treasury the sum of seventy-five cents, and if a non-resident, the sum of one dollar and seventy-five cents, together with the recorder's fee, and executing a bond to the mayor, recorder and aldermen of the city of Ann Arbor, in the penal sum of fifty dollars, with one or more sufficient sureties, to be approved by the common council, conditioned as prescribed in section three of this ordinance.

SEC. 6. Every conveyance licensed under this ordinance, when driven or used at night, shall be provided with two lighted lamps with plain glass fronts and sides, and shall also have the number thereof, as stated in the license, painted in legible characters thereon, or upon some durable substance to be placed in conspicuous places on the outside of each hackney carriage or omnibus, in such a manner that the same may be distinctly seen and read when the conveyance is standing or in motion.

SEC. 7. Every person licensed under this ordinance to keep a hackney carriage or omnibus, shall at all times keep a good and sufficient carriage and horses.

SEC. 8. No owner or driver of any hackney carriage or omnibus, while waiting for employment, shall refuse or neglect, when applied to, to convey any person or persons to any place or places within the city of Ann Arbor, and on the person or persons being placed in such conveyance, the same shall be driven by the most direct and safe route to the place to which such person or persons may wish to go, and not elsewhere; and no driver or owner of any conveyance, except omnibuses, shall, without the consent of the person

or persons therein, or of the person who first engaged such conveyance, place therein any other person or persons.

SEC. 9. No owner or driver of any hackney carriage or omnibus shall suffer the same to remain on any street, square, lane or alley, without some proper person to take care of the same; and no owner or driver of any hackney carriage or omnibus, while waiting for employment at the depot or on any street, shall snap or flourish his whip, or be guilty of any rude or boisterous conduct or language.

SEC. 10. Every driver of any hackney carriage or omnibus, while the same is waiting for employment, shall remain on or near the same, and shall so keep his conveyance and horses as that the same shall not obstruct the travel on any street, avenue or crosswalk.

SEC. 11. No person, unless licensed as an owner or driver, as herein provided, shall procure passengers for, or charge or receive any fare for, any hackney carriage or omnibus, and not more than one licensed person shall take charge of or drive on or in any such conveyance.

SEC. 12. The drivers or owners of hackney carriages or omnibuses may demand and receive for conveying passengers the following rates or prices of fare, and no more, to wit: Twenty-five cents to or from the depot to any place within the city limits, for each passenger; and where the time occupied does not exceed half an hour, twenty-five cents per ride for each passenger; and where the time occupied is more than half and less than an hour, fifty cents per ride for each passenger; children between the ages of four and twelve years, when accompanied by their parents or guardians, shall be charged half fare, and children under four years of age shall be carried free of charge. For the use of any hackney carriage or omnibus by the hour, for not more than four persons, and with the privilege of going from place to place and stopping as often as required, one dollar per hour for the first hour, and seventy-five cents for each additional hour, and for fractional hours at the rate of seventy-five cents per hour; and for each addi-

tional passenger twenty-five cents. For the use by the day of such conveyance, ten dollars per day. For each trunk, fifteen cents; but no charge shall be made for any bag, valise or bundle weighing less than fifty pounds. When a hackney carriage or omnibus is used between the hours of eleven o'clock P. M. and five o'clock A. M., it shall be lawful to demand and receive for the same services double the rates prescribed above. Any disagreement as to time and rates shall be determined by the mayor, whose decision shall be final.

SEC. 13. There shall be fixed in every hackney carriage or omnibus licensed under this ordinance, and in such manner as to be conveniently read by any person in the same, a card containing the name of the owner of such conveyance, the number of the conveyance, and the whole of section twelve of this ordinance, printed in plain, legible characters. The said card shall be furnished by the city of Ann Arbor, and be given to any licensed owner or driver who may apply for the same. Any driver who shall drive a hackney carriage or omnibus without such a card being placed therein, and any owner who shall neglect to place such a card in his conveyance, shall be punished as hereinafter provided.

SEC. 14. This ordinance shall apply to any carriage or omnibus which may at at any time be placed upon a public stand, for public hire, and to all omnibuses or carriages kept by hotel or livery stable keepers for the purpose of carrying passengers for hire, to or from the railroad depot or other places in said city, or for carrying any person or persons by the hour in said city.

SEC. 15. Any violation of, or failure to comply with, the provisions of this ordinance, shall be punished by a fine not to exceed seventy-five dollars and costs, to be recovered before any justice of the peace in the city of Ann Arbor; and in the imposition of any such fine and costs the said justice of the peace may make a further sentence, that, in default in the payment thereof within the

time to be fixed in such sentence, the offender be committed to the Detroit house of correction or to the county jail for any period of time not exceeding ninety days.

SEC. 16. So much of an ordinance entitled "An Ordinance Relative to Hacks, Cabs, Drays, and Other Vehicles," as relates to the subject matter contained in this ordinance, or parts of ordinances inconsistent with the provisions of this, are hereby repealed.

SEC. 17. This ordinance shall be published for two weeks successively in the *Ann Arbor Democrat*, a newspaper published in the city of Ann Arbor, and shall take effect at the expiration of fifteen days after the first insertion in said paper.

CHAPTER VII.

OF POUNDS, CATTLE, AND HORSES.

AN ORDINANCE RELATIVE TO POUNDS, AND TO PREVENT CATTLE RUNNING AT LARGE.

[Passed June 8, 1861.]

Be it Ordained by the Mayor, Recorder and Aldermen of the City of Ann Arbor:

SECTION 1. The common council of the city of Ann Arbor shall, as soon as practicable, provide two suitable pounds, one to be located north of the Huron river, to be styled "North Pound"; the other south of Huron river, to be styled "South Pound"; and shall appoint a pound-keeper for each pound, who shall hold the office until another is appointed in his place.

SEC. 2. It shall be the duty of each pound-keeper to receive from any person whose duty it is by this ordinance to drive the same, all animals so driven to the pound under his charge, to pay for driving, to safely keep, care for, and feed, to deliver to the owner upon receiving his fees with all expenses, and to give notice and sell the same if not taken away in accordance with this ordinance; he shall keep an account of all sales, with a description of the ani-

mals sold, the amount for which it was sold, with the name of the purchaser, the cost and charges against such, crediting the balance to the city, and if paid to the owner, state to whom, and take his receipt therefor; he shall file a copy of such record with his account and receipt, and the city treasurer's receipt, with the recorder, between the first and fifteenth day of March in each year, immediately preceding which he shall pay to the city treasurer all balances in his hands.

SEC. 3. It shall be unlawful for any horse, mare, mule, colt, bull, ox, steer, cow, calf, hog, shoat, pig, sheep, goose, or duck to go at large within the limits of the city of Ann Arbor, or to feed or graze, with or without attendance, upon or along the parks, commons, streets, highways, or alleys of said city; and it shall be lawful for any person, and it shall be the duty of the marshal and each of his deputies, of said city, to drive the same to pound, or cause the same to be so driven; and for driving the same to pound as aforesaid, the marshal, or any person so driving, shall be entitled to receive two dollars for each horse, mare, mule, colt, bull, ox, steer, cow, calf, hog, or shoat, and five cents for each sucking pig, sheep, goose, or duck.*

SEC. 4. The pound-keeper shall be entitled to the same fees for receiving that the driver is for driving each animal, together with reasonable charges for keeping and feeding, not exceeding twenty-five cents per day, which shall be paid him by the owner thereof or by some other person, before such animal shall be released from the pound; and if the owner shall not pay the fees for driving, impounding, and all reasonable charges within forty-eight hours after the same is impounded, then the pound-keeper shall sell such animals at public vendue, at the pound, giving three days' notice thereof by advertisements posted at the pound, at the nearest public house, and at the post-office in said city, except the geese and ducks, which may be sold after forty-eight hours' detention, without notice,

* As amended by Ordinance passed June 7, 1880.

two or more bidders being present. The pound-keeper shall be entitled to receive out of the proceeds of the sale fifty cents for advertising each lot of animals and five per cent. on amount of sale, for selling. He shall return the surplus to the owner of such animal, provided it shall be demanded previous to its being paid to the city treasurer.

SEC. 5. It shall be the duty of the marshal, and each of his deputies, to carry the provisions of this ordinance into effect, and upon complaint, before any justice of the peace in said city, of a neglect or failure, after due notice, to drive or cause to be driven to the pound any horse, mare, mule, colt, bull, ox, steer, cow, calf, hog, shoat, pig, sheep, goose, or duck found running at large in said city, with proper proof thereof, he shall, on conviction, be sentenced to a fine of not less than one dollar nor more than five dollars, together with cost of prosecution.

SEC. 6. If either of the pound-keepers shall refuse to receive any animals driven to the pound in accordance with this ordinance, or shall willfully neglect any other duty hereby prescribed, he shall, upon conviction, pay a fine of one dollar and costs of prosecution; and if he shall neglect to render a correct account and to pay over whatever balance there may be in his hands, according to section two, he shall, upon complaint and conviction before any justice of the peace in said city, pay a fine of not less than ten dollars, together with the amount of all moneys ascertained to be in his hands, and costs of prosecution.

SEC. 7. If any person shall willfully break or attempt to break either of the pounds in said city, or rescue or attempt to rescue any animal confined therein, or while being driven thereto, or attempt to prevent the same from being retaken, provided it shall have escaped, he shall, upon conviction thereof, be fined not exceeding fifty dollars and costs of prosecution, or imprisoned ten days and costs of prosecution, or both, according to discretion of the court.

SEC. 8. An ordinance entitled "An Ordinance to Prevent Hogs Running at Large," an ordinance relative

to cattle running at large, an ordinance relative to hogs and cattle running at large, an ordinance amendatory of the same, and all other ordinances inconsistent with the provisions of this ordinance, are hereby repealed.

AN ORDINANCE TO AMEND AN ORDINANCE RELATIVE TO POUNDS AND IMPOUNDING CATTLE.

[Passed June 2, 1862.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor, That the "Ordinance Relative to Pounds and Impounding Cattle" is hereby amended as follows:

SECTION 1. *

SEC. 2. When any cow or other animal shall have entered the enclosure of any person not the owner of said animal, the owner or occupant of said premises, his or her employé, may drive the same to pound, having the same rights that the marshal or his deputies have by the ordinance first above mentioned; and the same penalties shall be attached to any person who may attempt to rescue the animal from the driver.

SEC. 3. No person shall enter the enclosure of the owner of any animal and drive it therefrom, unless the same shall have escaped or been rescued from the person driving the same, or from the pound, under a penalty of not less than one dollar, nor more than ten dollars, and costs of prosecution, to be recovered before any justice of the peace in said city of Ann Arbor.

AN ORDINANCE RELATIVE TO HORSES, MULES, AND CATTLE.

[Passed November 8, 1875.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. That it shall not be lawful for any person to ride, drive, or lead any horse, cow, or ox, on or along any sidewalk within said city, or leave the same standing thereon.

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* Repealed October 5, 1874.

SEC. 2. It shall not be lawful for any person to feed any horse, horses, mules or cattle in Main, Fourth, and Fifth streets, between Catherine and Williams streets, and in Huron, Ann, Catherine, Washington, and Liberty streets between Second and State streets, in said city.

SEC. 3. Any violation of the provisions of this ordinance shall be punished by a fine not exceeding ten dollars for each offense, and costs of prosecution, and in default of payment thereof, by imprisonment in the county jail not exceeding twenty days.

SEC. 4. An ordinance of said city entitled "An Ordinance Relative to Horses and Cattle," made and passed September 14, 1857, and an ordinance of said city entitled "An Ordinance Relative to Horses and Cattle," made and passed January 16, 1871, and all other ordinances amendatory thereto, are hereby repealed.

SEC. 5. This ordinance shall take effect from and after legal publication.

CHAPTER VIII.

OF CEMETERIES.

AN ORDINANCE FOR THE PROTECTION, MANAGEMENT AND GOVERNMENT OF CEMETERIES AND BURIAL GROUNDS.

[Passed May 11, 1863.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. That if any person or persons shall wrongfully and maliciously destroy, remove, deface or injure any fence, gate, or other structure to or around or inclosing or forming any part of the inclosure of any burial ground or cemetery in this city, or shall willfully and improperly destroy, remove, mutilate, cut, break, mar, deface or injure any tomb, monument, gravestone, or other structure or thing of any kind placed or designed for a monument for a memorial of the dead, or any fence, railing, ledge, curb,

seat or other structure, tree, shrub, plant, flower or thing that shall have been intended, placed or left for the protection or ornament of any block, lot or ground, tomb, grave, monument, gravestone or other structure hereinbefore mentioned, in any inclosed cemetery or burial ground in this city, or shall willfully injure or trample or go upon any grave or block or lot, inclosure, plot or parcel of land in any cemetery or burial ground within this city, that shall at the time have been laid, graded and turfed, or otherwise worked and improved by or for any person, family, persons or association as and for a place for the burial of the dead, or as a memorial of any deceased person or persons (except by permission of the owner of such improvement, or in or along an alley, walk or passage way, or place laid only and intended for a walk or passage way on or through such improved grounds), the persons so offending shall or may, upon conviction thereof before any justice of the peace residing in this city, or before any court having jurisdiction of the offense, be punished by a fine not exceeding twenty-five dollars, or imprisonment in the county jail not exceeding thirty days, or by both, in the discretion of the court or justice before whom the offender shall be tried.

SEC. 2. That a sexton for each public burial ground in said city may be appointed by the common council, who shall hold his office for one year, and until removed by the common council, or until his successor shall be appointed.

SEC. 3. That the following rules and regulations for the protection, management and government of Forest Hill Cemetery only, in said city, be and the same are hereby made and prescribed, to wit:

No person shall ride or drive in any of the grounds within the inclosure of said cemetery (it being that part of the west half of the southeast quarter of section number twenty-eight, in township number two south, in range six east, in the State of Michigan, lying north of the Geddes

road), except in and along the avenue, and in and along such paths as may be graded and graveled for that purpose, and designated by a guide-board or sign pointing them out as "carriage paths," nor along any avenue or carriage paths faster than a walk.

No horse or team shall be fastened or hitched in said cemetery, except at a post provided for that purpose, or left unhitched therein without a keeper. No person or persons visiting said cemetery shall take any dog or firearms or refreshments into said cemetery, or discharge any firearms therein, or in any manner attempt to destroy, frighten or injure any bird or other animal therein.

No person shall take in the cemetery any flowers except for the purpose of leaving them therein, and no person shall pick or gather any cultivated flower in said cemetery, or remove, break, cut or mark any tree, shrub, or plant, or any branch or part thereof, or anything growing or being thereon, nor shall any person take any flowers from the said cemetery.

No person shall throw or put anything in any pond, basin or reservoir of water in said cemetery, or in any manner disturb, roil or render unclean or impure the water in any such pond, basin or reservoir.

If any such person or persons shall violate any of the rules or regulations prescribed in this section, the person or persons so offending shall or may, upon conviction thereof before any justice of the peace residing in this city, or before any court having jurisdiction of the offense, be punished by a fine not exceeding five dollars, or by imprisonment in the county jail not exceeding ten days, or by both, in the discretion of the court or justice before whom the offender shall be tried.

These rules and regulations shall not apply to the superintendent while in the performance of his duties in the cemetery, nor to any act done by any person or laborer in the cemetery under the direction of the superintendent or of the board of officers of the cemetery company, or of

any committee thereof, nor to any act properly done by any lot holder, or any one under his directions, on the lot of such holder.

SEC. 4. Persons visiting the cemetery shall in all respects observe the proprieties of a place consecrated to the tender associations between the living and the dead they have lost and mourn; and if any person or persons shall commit any trespass in the cemetery, or violate any of these rules and regulations, or conduct or converse in a rude, boisterous, unseemly or improper manner, the superintendent or any person employed by the cemetery board, or any committee thereof having charge of the grounds at the time, may remove and keep out any and every such offender from the cemetery grounds.

AN ORDINANCE RELATIVE TO THE GOVERNING AND CONTROLING OF THE CEMETERY IN THF FIFTH WARD.

[Passed June 7, 1875.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. That three commissioners be appointed by the common council to take charge and control of the cemetery in the fifth ward of said city, in the manner hereinafter mentioned, and with the powers hereinafter granted. Said commissioners, when they shall have been appointed, shall have full power to make or cause to be made surveys of said lands embraced in said cemetery, lay out lots, make contracts for the sale of lots, and deliver deeds for the same, provided that said deeds shall be executed in the corporate name of said city, and signed by the mayor and recorder of the city of Ann Arbor.

SEC. 2. All money or moneys realized for the sale of lots or otherwise shall be paid into the city treasury within ten days after receiving the same, which shall constitute a fund known as the city cemetery fund, for the sole use and benefit of said cemetery, and said money or moneys may be drawn out of said treasury for making improvements, upon the allowance or recommendation of not less than

two of said commissioners, upon an order on the city treasurer, said order being first approved by the common council, signed by the recorder, and countersigned by the mayor.

SEC. 3. The commissioners shall have power to make all needful regulations for the government of said cemetery, and such regulations shall be recorded by the commissioners in a book kept for that purpose, which shall be open to the inspection of all persons interested in said cemetery.

SEC. 4. The commissioners shall have power to levy a tax for the improvement of the grounds, not to exceed one dollar upon each lot, when they may deem it necessary, for beautifying or improving said cemetery, and collect the same as other taxes are collected by the city of Ann Arbor, provided that only one such tax upon each lot be collected each year, and provided that notice in writing signed by at least two of said commissioners, notifying the owner or owners of lots in said cemetery of the levying of said tax, be posted up in three public places in the fifth ward of the city of Ann Arbor, at least ten days before proceedings be had to collect the same.

SEC. 5. The commissioners shall be appointed by the common council, as follows: One to hold the office until the first of January, 1876; one to hold the office until the first of January, 1877; and one to hold the office until the first of January, 1878. And the common council shall appoint one the first Monday of January, 1876, and thereafter on the first Monday of January in each and every year, one commissioner, who shall hold his office for the term of three years, the common council reserving the right to remove any of said commissioners for cause shown. The commissioner whose term of office expires first shall act as chairman of said committee.

SEC. 6. The commissioners thus appointed shall receive no pecuniary compensation for their services, and upon the death, resignation or removal of any of said com-

missioners, the common council shall, as soon as may be, appoint another to fill the vacancy for the unexpired portion of his term.

SEC. 7. The said commissioners shall make report in detail on the first Monday in January of each year, to the common council of the city of Ann Arbor, of all receipts and expenditures on account of said cemetery, its condition, number of lots sold, price paid, and money expended for improvements or otherwise.

SEC. 4. This ordinance shall take effect and be in full force from after its passage.

CHAPTER IX.

MISCELLANEOUS.

AN ORDINANCE DECLARING THE RECORDER OF THE CITY EX-OFFICIO CITY CLERK.

[Passed September 30, 1851.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. That the recorder of the city of Ann Arbor be, and he is hereby declared to be, *ex-officio* city clerk of the city of Ann Arbor.

AN ORDINANCE TO PROVIDE FOR THE APPOINTMENT OF FENCE VIEWERS.

[Passed August 4, 1851.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. That it shall and may be lawful for the common council, annually, to appoint one fence viewer in each ward, who shall hold their offices until the first Monday in June next after their appointment, and until their successors shall be appointed and qualified, who shall, before entering upon the duties of their office, take the usual

oath of office, and who shall severally have the same powers and be authorized to perform the same duties, and be entitled to the same compensation, and liable to the same penalties for neglect of duty, as fence viewers, under chapter 18, title 4, of the revised statutes of the State of Michigan, passed and approved May 18, 1846.

AN ORDINANCE RELATIVE TO PAYING OVER MONEY RECEIVED FOR FINES.

[Passed June 18, 1855.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. That whenever any fine or penalty, under any of the ordinances of the city of Ann Arbor, shall be imposed upon any person or persons, and the same shall be paid to any justice of the peace, marshal, sheriff, constable, or other person, the said justice of the peace, marshal, sheriff, constable, or other person receiving said penalty or fine, shall immediately pay the same over to the treasurer of said city of Ann Arbor, taking from said treasurer duplicate receipts therefor, and filing one of said receipts in the office of the recorder of said city; and any person who shall neglect or refuse to pay over any such money so received, for the space of ten days after receiving the same, shall upon conviction thereof, be fined not exceeding one hundred dollars, or imprisoned in the county jail not exceeding thirty days, or both, in the discretion of the court.

AN ORDINANCE TO PROVIDE FOF NUMBERING THE BUILDINGS FRONTING ON THE STREETS AND AVENUES IN THE CITY OF ANN ARBOR.

[Passed July 11, 1864.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. It shall be the duty of the city marshal, as soon as practicable after the passage of this ordinance, under the direction of the common council, to adopt a plan

for numbering each and every dwelling-house, store, shop, or other place of business fronting on any street or avenue in said city, to designate a number for each, and to notify the owner or occupant of such dwelling-house, store or shop, or other place of business of the number designated for the same.

SEC. 2. It shall be the duty of such owner or occupant, within thirty days after such notification by the city marshal, to cause such number to be affixed upon or over the door or main entrance of said dwelling-house, store, shop, or any other place of business, in figures of sufficient size to be easily discernible from the street, and to cause such number to be maintained thereon.

SEC. 3. When any new dwelling-house, store, shop, or other place of business, fronting on any street or avenue, shall be erected and finished in said city, sufficiently to be occupied, or any old building shall hereafter be moved on to any street or avenue, upon notification by the city marshal, the owner or occupant shall cause the number designated by the city marshal, to be affixed in the time and manner prescribed by section two of this ordinance.

SEC. 4. In case any owner or occupant of such dwelling-house, store, shop, or any place of business, shall neglect or refuse to affix and maintain the number designated by the city marshal, in the time and manner prescribed by section two of this ordinance, such owner or occupant shall be liable to a fine of one dollar for every twenty-four hours' neglect or refusal, besides costs of prosecution: *Provided*, That such fine shall not exceed one hundred dollars.

AN ORDINANCE TO PREVENT INJURY TO WELLS.

[Passed July 7, 1862.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. That it shall not be lawful for any person or persons hereafter to dig, make or construct any well, or to continue any well heretofore made, in whole or in part,

in any of the streets, lanes, or alleys of the said city, or bordering upon the line of the same, or open thereto, without obtaining license so to do from the common council of said city, who shall also have authority of directing the manner of constructing, arranging and securing the same. And any person who shall, at any time, fail to comply with such directions, or otherwise offend against the provisions of this section, shall, upon conviction thereof, be fined, not less than five dollars, nor more than fifty dollars, with costs of prosecution.

SEC. 2. Whenever any well shall be so dug, constructed, or continued by such license of said common council, every person who shall be guilty, willfully and maliciously or wantonly and without cause, of destroying, breaking, removing, disfiguring, or in any manner injuring the curb, platform, bucket, rope, chain, pump, enclosure, or any of the fixtures or apparatus belonging to or connected with the same, or of throwing into any such well, or into or upon the pump, curb, platform, apparatus or inclosure of the same, any filth, dirt, gravel or other matter, shall, upon conviction thereof, be fined not less than five dollars, nor more than one hundred dollars for every offense, together with costs of prosecution.

AN ORDINANCE RELATIVE TO MAD DOGS.

[Passed August 16, 1852.]

Be it Ordained by the Mayor, Recorder and Aldermen of the City of Ann Arbor:

SECTION 1. That whenever the mayor or recorder and any alderman shall deem it necessary to protect the inhabitants of the city from mad dogs, they may direct the marshal to kill every dog which shall be found running at large within the city without being securely muzzled, so as effectually to prevent such dog from biting any person.

SEC. 2. *Be it further Ordained*, That the marshal, whenever so directed by the officers mentioned in section one of this ordinance, shall kill any vicious or ferocious dog found running at large in the city.

SEC. 3. This ordinance shall be in force from and after its passage.

AN ORDINANCE RELATIVE TO STALLIONS.

[Passed January 15, 1872.]

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

SECTION 1. That it shall not be lawful for any person to display or detain for public exhibition or for the purpose of generation within the limits of the city of Ann Arbor any stallion or jackass. This section shall not be construed to prevent the display or exhibition of the above named animals at the fair grounds of the Washtenaw Agricultural or Horticultural Society during any fair when such animals compete for a premium.

SEC. 2. Any violation of the provisions of this ordinance shall be punished by a fine of not less than five dollars, nor to exceed seventy-five dollars and costs, to be recovered before any justice of the peace of the city of Ann Arbor, and in the imposition of any such fine and costs, the said justice of the peace may make a further sentence, that in default in the payment thereof within the time fixed in such sentence, the offender be committed to the Detroit house of correction or the Washtenaw county jail for a period of time not exceeding ninety days.

SEC. 3. An ordinance entitled "An ordinance relative to stud horses" is hereby repealed.

SEC. 10. This ordinance shall take immediate effect.

AN ORDINANCE RELATIVE TO GAS WORKS.

[Passed April 2, 1858.]

WHEREAS, It is desirable that this city shall be lighted with gas, and in order to induce any company to undertake to supply gas for that purpose it is necessary to secure to such company certain exclusive rights and privileges, subject to certain restrictions and conditions; and, Whereas, The Ann Arbor Gas Light Company, a corporation re-

cently formed in Ann Arbor for that purpose, has proposed to light the city with gas upon the terms hereinafter mentioned; therefore,

Be it Ordained by the Mayor, Recorder, and Aldermen of the City of Ann Arbor:

That the exclusive right and privilege of erecting gas works within this city, and of laying and continuing gas-pipes along and across any and all of the streets, sidewalks, lanes, alleys and public grounds in said city, and of manufacturing gas in said city for sale for light, and of supplying said city and the buildings and streets therein with gas for lighting the same, be and is hereby granted and secured to the "Ann Arbor Gas Light Company," upon the conditions and under the restrictions hereinafter mentioned, so long as said company shall continue to supply gas for lighting said city, and shall comply with the restrictions and conditions hereinafter mentioned: *Provided, however*, and this grant is made subject to the following restrictions and conditions, to wit: That said company shall within sixty days make and file with the recorder, to be recorded and preserved, a copy of the articles of association of said company, and a written assent of said company to the provisions of this ordinance, and the agreement by the said company, signed by the officers of said company, to erect gas works in said city, and to manufacture and supply gas as hereinafter mentioned; that said company shall within three months commence the erection of gas works in said city, and shall within one year lay down at least fifteen thousand feet of main gas pipe in said city, and shall supply and continue to supply all persons along the lines of such main pipe who may suitably supply their premises and buildings with service pipe and fixtures for receiving and burning gas, and who may require and pay for the same and sign the rules and regulations usual with gas companies, with gas of as good quality as that furnished by the Detroit gas company, at a rate not exceeding, exclusive of a reasonable rent for meters, four dollars per

thousand cubic feet for private lights, and to the corporation of the city of Ann Arbor, for public lamps, at a rate not exceeding three dollars and fifty cents per thousand cubic feet; and that thereafter, as other parts of the city may become more compactly built, so as to afford responsible applicants as consumers of gas in twenty different buildings, who shall agree to take and continue to use and pay for gas therein, for each additional one thousand feet of main pipe, the said company shall within a reasonable time after such application for that purpose extend gas pipes and furnish gas upon the terms aforesaid to such additional buildings of said applicants; and that said company, in digging for and laying gas-pipes, shall take care not unnecessarily or unreasonably to obstruct or injure any street, sidewalk, lane or alley, and shall with reasonable diligence restore such street, sidewalk, lane or alley to as good a state of repair as the same was in before disturbed by said company, and shall in all respects fully indemnify and save harmless the city of Ann Arbor from and against all damages or costs which the city may be put to or sustain by reason of such digging; and in case the dividends of said company shall average or exceed fifteen per cent. per annum the common council may, at any time, after giving to said company thirty days' notice to show cause against such reduction, have power to compel the said company to make a reduction in the price of gas equivalent to the excess of its dividends over fifteen per cent. per annum, the reduction to be pro rata to the citizens and the corporation; and it is further agreed that the said "Ann Arbor Gas Light Company" shall locate their gas works on block seven, eight, ten or eighteen of Page & Ormsby's addition, or at such other point as the common council and board of directors may agree upon.

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